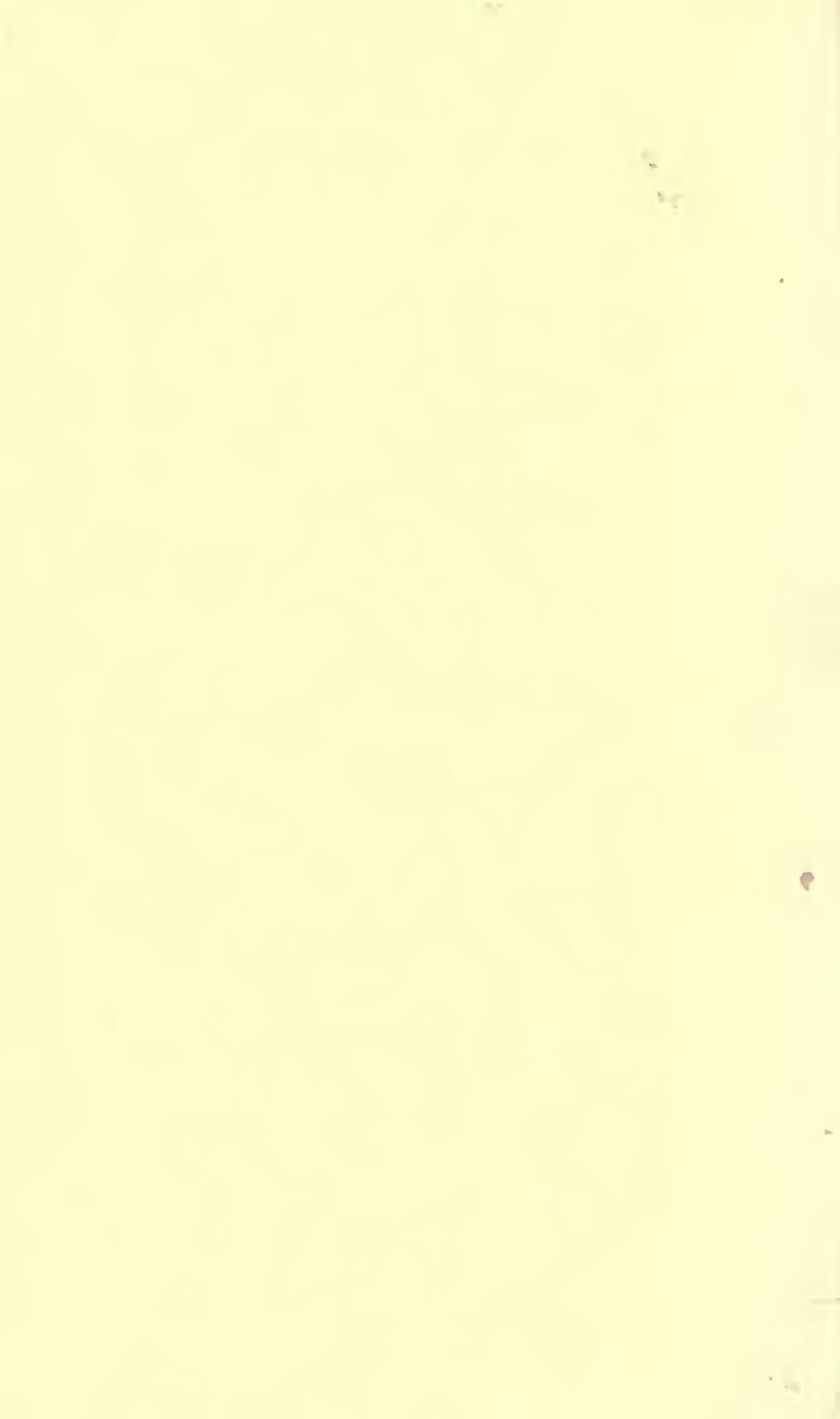




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A VIEW

OF THE

RIGHTS AND WRONGS,

POWER AND POLICY,

OF THE

UNITED STATES OF AMERICA.

Saul, Saul, why persecutest thou me?

BY CHARLES JARED INGERSOLL.

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A VIEW, &c.

THE endurance of the United States of America, under belligerent wrongs, has been so protracted and uncomplaining, that the assertion of American neutral rights will probably be accounted, in Europe, if not here, a novel and bold measure. We have submitted, during so long a period, to the privations of war, as if we were a party to it, always without solemn opposition, and mostly without remonstrance, that even the citizens of this country are become but too insensible to their natural immunities, and the great belligerents have ceased to profess any regard for them. But the conjuncture having at last arrived, when the assertion of our rights is forced from us by the dilemma into which we are driven, it behoves us, in order to a manly repulsion of our wrongs, to understand and appreciate the privileges that accrued with the acknowledgment of our independence, and to proclaim to the world our resolution and our ability to maintain them hereafter inviolate. One aggression has led to another, till the devouring depredations of the first-rate maritime powers of Europe have swallowed up the natural and indefeasible relations of neutrality. Thus circumstanced, the inquiry, which engrosses all attention, is how these

embarrassments were brought on, and how they are to be obviated or removed. It would be effecting much less than half of the great and systematic object to be attained, if, by any mere temporary absolution, we should escape from the immediate pressure of these calamities, without instituting wise and permanent measures against their recurrence.

In the following pages, therefore, it is proposed to consider the commercial policy of the United States. For clearness, the subject will be treated in three divisions: in the first of which, our commercial situation and advantages will be presented; in the second, the restrictions imposed by foreign powers on our commerce; and, in the third, the means of alleviating, diminishing, removing, and preventing these restrictions.

I. The perils and uncertainty of navigation have been so far obviated by modern improvements, that commerce, which was formerly an undertaking of great hazard and little profit, has now become the business, and furnishes a principal part of the revenue of most civilized nations. The discovery of America and the compass, and the invention of bills of exchange and policies of insurance, which are all of modern date, and nearly co-existent, have given an extent, dispatch, facility, and, above all, a security, to mercantile speculations, of which the traders of Tyre, Alexandria, and Carthage had no conception. All countries now possessing the natural facilities which an extensive marine frontier, or secure sea-ports afford, have, as it were instinctively, turned their attention and efforts to maritime adventures; and the superior wealth and refinement, high national spirit and intelligence, and universal amelioration of commercial people, attest the benignant influence of commercial pursuits. The nume-

rous navigation laws of England, Holland, Portugal, Spain, France, and Denmark, and their colonial regulations, though perhaps not the best calculated for the ends they contemplated, prove how dear their commerce has always been to those powers respectively. England, every session of her parliament, anxiously enacts new rules for the government of her subjects in this respect; and France has at last rescinded that ill-advised part of her regime, which traced an odious distinction between the merchants and nobility, by the enactment of the commercial code Napoléon, a system full of good sense, which went into operation on the 1st of January, 1808.

Coffee, sugar, tea, tobacco, cotton, rice, peltries, and even ginseng and flaxseed, with a prolific *et cætera* of minor articles, have become as necessary to the comfort of mankind as flour, wine, and oil to their subsistence. With the former, the world has but a late acquaintance; and, constituting, as they do, so material a portion of food, and so delightful a part of raiment, it cannot be surprising that commerce should amplify in proportion to their demand and usefulness, or that every region should be explored to procure them. With 1200 miles of sea coast on the east, and a chain of corresponding lakes and navigable waters on the west, wanting almost every thing Europe can afford, and with the ability to supply almost every thing Europe can desire, it would seem as if nature had designated the United States for a great commercial empire. The prodigious and unexampled progress this country has made in prosperity, population, and power, since the adoption of the federal constitution, though not, perhaps, so great as it would have been had it not been for the British treaty and its effects, are to be ascribed not more to the excellence of that constitution, than to the

extension of our trade, favoured and forced as it has been by the remoteness of our situation from the devastating commotions of Europe, and to the pacific neutrality so wisely adopted and honestly pursued by the American government. With such natural advantages as we enjoy, a free trade is a greater blessing than the lenity of our laws, high price of labour, and cheapness of living. Living is cheaper, and the climate preferable, in many of the provinces of South America; but, having no trade to stimulate reproduction, to enliven, enlighten, and enrich them, the inhabitants, we learn, if our limited means of information are correct, remain to this day uninformed and poor, in the midst of a profusion of the precious metals, and an exuberance of nature.

Commerce and liberty are correlative. Wherever there is liberty, and no natural impediments, there will be commerce: and the American experiment has shown, that without liberty commerce cannot move with the enjoyment of its natural elasticity, or find its proper summit. Ours is the first experiment ever made of leaving trade to find its own vents and level, undisturbed by the projects of statesmen, or the monopolies of favourites. The British treaty was meant to preserve peace, not to give our commercial intercourse that inclination towards England into which it has fallen. Excepting the consequences of that act, it has been undisturbed by any of the many regulations with which other powers have been prevailed upon to oppress their trade. It is to this pure and inexhaustible source foreigners should look, and not to the pretended frauds of our flag for our advancement. To argue that we have succeeded by unfair and surreptitious steps, because, without one of our natural local advantages, the maritime enterprise of England, retarded,

baffled, and trammelled, as it always has been, by jealous restrictions and absurd monopolies, has been for ages toiling to a point which that of the United States has attained in a few years, is a mode of reasoning too preposterous in itself, and too insulting to us, to require a serious refutation: It may well consist with the rubric of Doctors' Commons, but does not appear to be authority even with the people of England, if we may judge from the masterly exposition of its errors, by an article in the Edinburgh Review, which has been ascribed to Mr. Brougham, by Mr. Baring's strong and conclusive statement, or by the petitions from the manufacturing towns; and in America, where the fact is felt to be the reverse, this sort of English dialectic, which takes our rascality for granted, and then proceeds to point out the most offensive remedies against it, has excited, it is hoped, but one sentiment among considerate men of all parties. We have honestly and honourably, by fair policy without stratagem, and by bold and persevering industry and adroitness without fraud, won the enviable eminence, from which we are not easily or soon to be driven by force, threats, or artifice. A nation, whose very existence is commercial, suddenly checked in its prosecution of an immense trade, and deprived of its employment and emolument, which has borne for a whole year a universal embargo, in the greater part of it without a murmur, and every where without any opposition, is reproached with commercial poverty and frauds by another nation, which, under similar restraints, could not endure a single week, and a considerable portion of whose population has already been arrayed in hostile combinations against the effects of this very act. But as we have not a navy of a thousand ships, a national debt of some hundred millions, a taxation of twenty-five per cent., one-

tenth of our population on the poor list, East India possessions, and the balance of exchange in our favour, the nation who can boast all these fountains of capital assures us, that we are without the means of fair commerce, and that we must very much curtail our trade, or hers will inevitably be ruined.

But before these accusations are further examined, let us attend to objections of a more serious complexion, which are said to infest the opinions and govern the conduct of certain distinguished persons at home. We are daily alarmed by newspapers with reports that the western states, under the auspices of the present administration, are inimical to all foreign trade, and ripe for any measure tending to its annihilation. Mr. Pickering, and others, whose authority ought not to be lightly questioned, have even departed from the common orbit of their functions, for the purpose of apprizing us, in the most formal manner, that not only the desire, but the design, actually exists, to destroy our exportation, and encourage other nations to seek in our harbours, but in their own bottoms, those superfluities of the soil, which we have hitherto so profitably carried in our bottoms to their harbours. That such opinions are entertained I cannot suppose; and something more palpable than the surmises and suspicions of political antagonists must appear, before I can sit down under a conviction of their existence. How uncongenial they are with the interests of this country; how adverse to its habits of industry, œconomy, and peace; how certain a destruction to its agriculture in particular; and how fatal their very avowal must speedily prove to its union, I will endeavour briefly to show.

The project, as threatened, is precisely to assimilate our condition with that of the Chinese, the only people

who practise this system : at least they are the only community so far advanced from barbarism, as to wear clothing and live in houses, who have not long ago abandoned it ; and all the rest of the world take the liberty of despising the Chinese, as the most ignorant, timid, slavish, selfish, and degraded of mankind ; with barely knowledge enough of human nature to be subtle and avaricious, they have scarcely the skill to count the treasures they have the craft to amass. There is indeed one nation,—but they are naked savages,—the negroes of the Gold Coast, who carry on this kind of traffic in even stricter conformity with its barbarian spirit, than the inhabitants of Canton : for they barter their precious dust, their ivory, and even their liberty, for iron utensils, for beads, bracelets, and such other gewgaws as European traders persuade them are most ornamental to their persons, or their own profound and brutal ignorance adapts to their wants. How long it would take to reduce us to the degradation of the Chinese in the scale of nations, or of these Africans, it might be difficult to ascertain. But that this project of tantalizing us with distant glimpses of the arts and sciences of Europe, and of preventing our obtaining them, except in scanty supplies, at exorbitant prices, would produce indolence, vice, wars, and comparative barbarity, it is not so difficult to perceive.

From the relinquishment of commerce in a country like ours, capable of furnishing the most valuable superfluities to all the rest of the world, the very consequences would result which are imputed as the bane of commerce. While we enjoy the means, which our soil will always easily afford, of purchasing at an advantage what are called

the luxuries of Europe and Asia, it is, and ought to be, contrary to man's nature, that we should content ourselves without them ; and any attempt to retain the United States in a systematic and coercive privation from the unrestrained use of these superfluities, would, independent of its injury to the revenue, bring on sedition, intestine wars, disunion, the impoverishment and prostration of agriculture, the impoverishment of national spirit, national bankruptcy, and, what seems almost impossible, beggary and starvation.

In the first place, it must be observed, that this project would be executed in a most unphilanthropic temper. Whichever power possessed the dominion of the seas, would strive to prevent all others from reaping the advantages which would accrue to them from our intercourse. The flour, lumber, tobacco, cotton, rice, and commodities generally of the different states, have become so essential to the welfare and content of other people, and are indeed so important to the existence of some, that, though we might be willing to forego their trade, they never would consent to relinquish ours, and an immediate struggle would ensue for the monopoly. The case supposes a perfect indifference on our part. We are not to care who comes, nor to know what is passing abroad or on the ocean, but through the medium of such accounts as our foreign visitants should bring. As whichever power commanded the sea would monopolize our traffic, we must be satisfied with such fictions as they could amuse us with concerning the other quarters of the globe, and remain ignorant of the frauds, treachery and bloodshed by means of which we were thus monopolized. The stake

we should present would be too great ever to be resigned while a hope of gain remained from the contest; and though politicians may not account an everlasting war among the powers of Europe any evil in the eyes of America, philanthropists and christians must revolt at our being the selfish source of such endless calamities. Nothing could be more anti-neutral than such policy. It would have the effect at present to make us once more the colonies of England. Her navies having dispossessed all others from the ocean, her merchants would trade with us, to the exclusion of all other foreigners. The orders of November, 1793, might, under such circumstances, be renewed with impunity as regarded us, and with dreadful effects as regarded the French West India islands, where our neighbours might be starved many months before our English correspondents would be permitted by their government to acquaint us with the fact. Such a conjunction would produce a war of extermination; not by the sword, but famine. The efforts of the rival nations would aim at preventing our supplies from reaching the opposite parties; and scenes must ensue too shocking for contemplation.

In the next place, though it might not be easy to reduce us to the state of the Gold Coast negroes, and buy our most valuable productions in immense quantities, at infinitely depreciated prices, for trinkets and personal ornaments, at an estimation as infinitely enhanced, yet it would be in the option of the one people trading with us to fix their own valuations both on their commodities and our produce. And as no one nation can furnish all the commodities we could traffic for, it would be that nation's

interest to deal forth her articles parsimoniously, in order that increase of appetite might grow on what it fed. Thus, allowing for the vast fall in the prices of our productions, and there never would be articles enough offered from abroad to purchase them all, for no one country could consume or even dispose of them, of consequence our materials would annually decrease in amount corresponding with the diminution of demand, and in this way agriculture and the price of labour gradually decay.

It is certain men will never take the trouble to raise more from the earth than they can consume themselves, and dispose of to others. Foreign commerce, to an agricultural people, by increasing the consumption, stimulates reproduction. The moment the demand decreases, so will the quantity ; and the latter, perhaps, will generally fall a little short of the former. That keeps up a briskness in sales. The quantity will accommodate itself to the sum of domestic and foreign demand. Without an export trade in our own ships, the foreign demand would be very precarious, because it would be regulated, not by the interests of this country, but of that which monopolized the exportation. Being uncertain, it would probably diminish. It could not increase, because, though it might vary from one season to another, according to the crops and wants of the monopolizing country, yet the average demand for a number of years would not be greater where the population did not increase, as it does not in Europe. No more would be ever required than as much as the monopolizing country could consume at home, and speculate on with other countries. With the decrease or stagnation of demand, the decay of agriculture would keep pace. Decay

in national wealth is seldom gradual; and ours would be rapid in proportion as our prosperity has been forced. In a few years, we should raise little more than for home consumption. Then, if rains or drought should deteriorate or destroy the harvests, this country might present the novel and awful spectacle of a population of eight millions starving in a territory capable of feeding them and at least one hundred millions besides.

There is no difficulty in combining the interests of commerce, which we carry on to a great extent, and manufactures, in which we have made but little progress. This is a matter which best regulates itself, and establishes, better than legislatures, the proportions, dependence, and amount of each. But if we have enjoyed fine manufactures too long to be satisfied without them, and can buy them abroad cheaper than we can make them at home, is it not better we should remain at least some time longer a commercial, than become a manufacturing people? Nothing can be further from my intention than any opposition to the manufactories that have appeared, most of them since the embargo, in Philadelphia and its environs. But nothing would so soon and effectually destroy them as the destruction of export trade. They depend upon and assist each other; and manufacturers must egregiously misconceive their interests, when they think to rise on the ruin of merchants. That alone is the question here. Not whether we shall have both, as I trust we always shall; but whether, as it is said some men wish, we should lay aside export trade, and apply exclusively to manufactures. I will not dwell on the immorality, diseases, deformity, the slavish and mutinous tempers, the debauchery and

miseries which are said to be the inmates of great factories. According to the statement of a late writer, the air of Manchester and of Birmingham is not more tainted with the nauseous smoke and stench from their forges, than the political and social atmosphere is polluted by their ignorance, depravity, and vices. Thousands of pauper children of both sexes, promiscuously horded at a tender age into these mines of British wealth, which threaten to prove as fatal to British glory, as the mines of Peru and Potosi to the glory of Spain, there confined in painful postures and unwholesome apartments, everlastingly at work, unpaid and uneducated, till they attain full age, and then such as survive, emancipated to a wretched choice whether to linger a little longer in these haunts of premature death, or, being incapable of any other employment, to beg in the streets, for which occupation their debility and distortions peculiarly fit them, or to rob on the highway, for which they are no less calculated by the profligacy of their lives, is a picture of manufacturing effects that can have no charms for the rational friends of this country. On the scores of morality and health, the sea is much less objectionable than the loom.

Mr. William Spence, the writer of a treatise lately published in England, with a view of showing that country can subsist, in all her majesty, without trade, whose hypothesis, like the prophet's predictions, will probably be received with more favour any where than among his own countrymen, assumes this ground for the basis of his theory: that while England receives in exchange for her manufactures only raw produce, she gains nothing by the traffic, because her payments are soon consumed, without producing any perceptible or lasting advantage to the

community. If it be true, and I believe all English economists contend it is, that the soil of England is sufficient for the subsistence of its occupants, and also of the inhabitants of their cities and navies, this reasoning seems to prove they gain nothing by their factories, because they divert a number of hands from tillage, in order to make manufactures, with which to purchase the produce, which their own tillage, if practised to the extent their lands admit, would have afforded without the intervention of manufactures : that is, when they might have raised flour enough for their own purposes, they leave the land untilled, to make manufactures, with which to buy flour of foreigners. It may be said their factories beget money. But that furnishes no answer to Mr. Spence's argument, because money is the least desirable species of national wealth. The difference between the case of England, as thus put, and that of the United States, is, that England does not raise flour for exportation as they do. Without investigating this theory, which is little more than an amplification of that of the old French economists, it is sufficient to show, from its converse, the superiority of our situation as a commercial, to what it would be were we a manufacturing community. We give flour, rice, cotton, tobacco, flaxseed, hemp, and grain of every denomination, the products of the earth, peltries, the product of the chace, and fish, the product of the sea, in exchange for the productions of the loom, the factory, and the forge. This exchange is in our favour on the following accounts :

1. All our materials being collected out of doors, in the open and healthy air of the country, or the sea, the persons they employ enjoy all the superior happiness which robust health, vigorous constitutions, chaste mo-

rals, independent estates, and contentment, yield in comparison with the situation of the feeble, poor, deformed, diseased, debauched, and discontented. Of course, our government, when it needs the active aid of its people, possesses corresponding advantages over the country whose soldiers and sailors are to be sought in the pestiferous abodes of sedition and deformity. The peasantry of England are square and well set, and most of the outdoor labourers large and powerful, and the gentry a remarkably well-sized and beautiful race ; but the mechanics and in-door labourers are commonly small, squalid, and mishapen.

2. We give articles of immediate consumption, which annually disappear, whose reproduction is the infallible cause of our progressive prosperity, in exchange for commodities that contribute durably to our comforts and information, without affecting our morals or republican virtues. Thus, if we give five thousand dollars worth of flour this year for five thousand dollars worth of hardwares or books, by the next year our flour will have disappeared, and the demand for at least as great a quantity be renewed ; whereas the hardwares and books will be nearly, if not quite as useful as when bought.

3. Agriculture and commerce fructify in a ratio vastly exceeding the regular profit on manufactures.

4. Agriculture and commerce are the occupations of thousands, each of whom divides his separate independent portion of the proceeds, and thus adds so much, not only to his individual stock, but to the improvement of his country ; whereas, as Mr. Spence says, at no time do the members of the manufacturing class derive more from their labour than a bare sufficiency of food and raiment.

5. Labour will be dear in the United States, until we begin to manufacture to any considerable extent; because the territory is too extensive and fertile to be fully occupied for many centuries to come. But, as a nation's wealth consists in the productiveness of its soil, and not in the quantity of its precious metals or manufactures, by diverting hands from the plough to the shuttle, fields will be left fallow that there were hands to work, and thus the national wealth diminished and national advancement retarded to the amount of land left uncultivated. As manufactures cannot reward the labourer as agriculture and trade can, the price of labour would fall proportionably. Whenever the factories wrought up more material than was absolutely wanted, labour would fall in price in a compound ratio.

6. To these may be added the ruling argument of the old French *œconomists*: that whereas agriculture creates, manufactures only transmute. Flax made into lace, or wool into cloth, is merely changing a material which existed before; and the subsistence of the manufacturer while working on it more than counterbalances the enhancement of price it acquires with its new fashion: but agriculture, after affording subsistence to the labourer, and reimbursing all expences, leaves a surplus, which is clear gain, a new creation, what did not exist before thus added to the wealth of the community.

To these reasons may be added another more familiar, but not perhaps more just: that the thing must regulate itself. Commerce is the common and legitimate pursuit of young and aspiring nations; manufactures more proper for the employment of such as are older, less free, and more unequal in the distribution of public offices and burthens. There is something about the sea flattering and

attractive to the ardent spirit of man, studious of change and pleased with novelty, which attachment he will generally indulge if he can. There is an independence in agricultural engagements that likewise has its charms. But nothing will make manufacturers but poverty and a difficulty of living. When taxation is at half per cent. of a poor man's earnings, and half a country paupers in the pay of the other half, the former are obliged to submit to such employment as the latter choose to exact, and such wages as they can get; often nothing in money, but scanty cloathing, and a bare support. It is natural, that, in such a state of things, the rich, instead of sending their dependents to sea, or providing for them on farms, in either of which avocations they would receive profits independent of their masters, put them into forges and factories, the entire emoluments of which, or nearly so, go to the master, without passing through the hands of the workmen. When we have reached this gradation of society, without doubt our factories will be busy. But, till then, we cannot manufacture on a great scale, without neglecting agriculture; and that will never be done without forcing the business of the American people from channels they have instinctively found and prefer, to others less profitable to the individual, and less advantageous to the community.

It must not be lost sight of, that this is a view of the subject taken in the supposition, that the interests of the manufacturer and export merchant are opposed. Such a supposition is wholly unfounded. Unless our export trade be unfairly oppressed to favour the home manufactures, there is no danger of the one interfering with the other. Give trade fair play, and its profits will so com-

pletely and immensely exceed manufacturing profits, as to command a much greater number of hands.

The agricultural and commercial interests are here considered as homogeneous, and strictly dependent on each other. The embargo has proved, to the painful conviction of many, that their interests are actually identified. The moment our ports are closed, one half of our ploughs must stop. Our farms would soon be dreary, desolate, and poor, without an export trade to carry off their superfluities. When our commercial embarrassments and policy have been before congress lately, we have sometimes heard members from the west using expressions which would lead to a belief, that, though the Atlantic states were dependent on them, they were not at all on the Atlantic states. Our cities and trading cupidity are charged with all the troubles we have experienced, as if the states of which the great cities are capitals, respectively, had no concern in agriculture; whereas, the very reverse is the case. There is no occasion for drawing disagreeable comparisons; but, to repel these insinuations, it should be understood that Massachusetts, New York, Pennsylvania, and Maryland, are not only the most commercial, but, at the same time, the most agricultural states in the union. They have finer farms, fewer waste lands, richer farmers, and have increased faster than any others in population. To show, too, how absurd the idea is, of a natural hostility between export trade and manufactures at home, it is only necessary to mention that these are almost the only manufacturing states. This is a subject which no true American can take pleasure to pursue, or it might be pursued to the conviction of every one.

Many authors, at different periods, have undertaken to show that it is easy to be a great commercial nation with-

out any agriculture at all, or very little ; and they instance, in antiquity, Attica and Tyre ; and, in modern Europe, Venice and Holland, in support of their position. It is clear, that, reversing this argument, no nation can be usefully agricultural without an export trade : a pasturing people they may be, but not agricultural. The Atlantic states may exist and prosper without the productions of the western parts of the union, which minister to their commercial wants only, not to their subsistence. But, on the other hand, their agriculture would want its best encouragement without our trade ; for, excepting New Orleans, they have no foreign resource but through the Atlantic ports. The Atlantic countries raise more than enough for their own subsistence, and never, but for exportation, would purchase from the western states. The demand from abroad, which the Atlantic assists them to accommodate, enables the provinces that are merely agricultural, after supplying themselves, and defraying all the charges of culture, to acquire great clear gain by the disposal of their superfluities. These superfluities would rot on their hands, if not carried abroad. But they have not the means of carrying them ; for there is but one seaport for an immense extent of territory. Should the Atlantic means of transportation be cut off, they must cease to raise more than a domestic supply, if at any time New Orleans should be wrested from them. Nothing, then, would remain for taxation, which must be substituted for commercial revenue, but direct imposts. And as it would be necessary to pay taxes in some shape, and agriculture would afford the readiest, and, indeed, their only means of payment, a certain quantity of superfluous produce must be raised to create funds for their payment :

and that would be a sorry incitement to the husbandman's labours.

In order that agriculture should furnish not merely the means of subsistence, but of national wealth and prosperity, an export trade must call for incessant and augmenting reproduction. But, situated as the United States are, this exportation, it is said by some, will inevitably entangle them in the controversies of Europe; and the corresponding importation will imperceptibly introduce luxury, lassitude, and degeneracy. That we must feel the agitations of Europe is certain. How we shall avoid their wars will be the subject of consideration hereafter, when the policy to be pursued by this country will be the immediate subject. At present, I will endeavour to show that luxury and degeneracy, which, it is alleged, are always the followers of foreign commerce, would be visited on us, with all their afflictions, feuds, and subjugation, on its destruction.

While labour is high, population increasing at a great rate, the means of subsistence abundant, and there is more good land than hands to till it, there is no very imminent danger of that superlative state of luxury, when the rich have more wealth than they know how to spend but on their appetites, ostentation, and caprices. Man's cupidity is boundless. He who had not a dollar ten years ago, but has since made ten thousand, is at least as desirous of still accumulating as he was when he began. While, therefore, this disposition is to be best gratified in reclaiming uncultivated tracts, a speculation which, if properly followed up, must always be fortunate, if the country thrives, that will furnish a drain large enough to keep down the luxury of the rich, and at the same time to meliorate the condition of the poor. A general distri-

bution of wealth and circulation are the life of trade, and the surest antidotes to luxury. By luxury I mean the amassing of the riches of the community in the hands of a few, which is the very opposite principle to that of trade.

The war into which the British government plunged in 1793, having successively closed upon them nearly all the ancient avenues of their trade, their resources are prostrated, and their arms discomfited. The seventeen millions sterling, which used to gladden, every year, the bosom of imperial Thames, have vanished, or, at any rate, have gone to rest in sinking funds, annuities, and government securities, where to the community at large they are lost for ever. That vast trade which furnished the government with funds to subsidize nations, and an immense navy with men, materials, and provisions; which animated their factories by perennial and increasing demands; which enriched the whole community, like the tides of the streams that bore it, supplying the country with all it wanted, and carrying off all it could spare; driven from its customary channels, and stagnating in warehouses, what is England? A nation struggling for existence, lamenting, in the language of one of the king's late speeches to parliament, over the defeat of her arms, and the failure of her enterprizes. Six months ago this would not have been an exaggerated description. War in Disguise, with all the late English publications on this subject, and lord Grenville's speeches, and the manufacturers' remonstrances, all bespoke its correctness, in terms not to be doubted. Recent events in Spain may have operated a change which will afford a seasonable relief. But the termination of the Spanish contest is by no means certain of being favourable to the arms of the patriots; and, if it should terminate in an alliance offensive

and defensive between Spain and England, still the Spaniards will require a great length of time to become habituated to British manufactures, with which they have now no acquaintance; and, till they are used to them, the alliance will be burthensome, not advantageous to England. Nor is it clear that their future South American adventures will, in any event, be more profitable than those entered on with so much avidity two years ago.

Such is the case with England. A great trade dissipates all her disasters. With its declension they re-appear; and in its destruction they abound. But our situation, though different, would be even worse. As we do not solicit purchasers from abroad for our manufactures, as they do, nor are in danger of dearths and famines, as they are, the effects of the ruin of our export trade would be differently felt, but not less pernicious. Destroy the vents for our superfluities which trade affords, let down the spring of our improvement which it supports, and in a few years we should relapse into a species of feudalism. The poor would not work when subsistence would be so cheap, and gain unattainable. Wherever large landed possessions afforded the means, the rich would erect petty principalities, on which to maintain packs of lazy retainers for their defence and amusement, and the pillage and annoyance of their neighbours. Monstrous inequality of rank and possessions, never-ending intestine dissensions, all the vices of idleness and dissipation must ensue. In countries overburdened with population, as China is said to be, there is not the same danger of such a state of things, because subsistence is much dearer than labour, and every individual busy in satisfying his natural wants. In less populous countries, as Germany, though more lia-

ble than China to such calamities, as they may be termed, they are less than the United States would be, because labour and subsistence are better proportioned in their prices, and because too the spirit of indolence, mutiny, and want, is physicked and abated by foreign wars. But here nothing would remain for us but stark feudalism. The union would not only be severed, but crumbled into warring atomies of domain and sovereignty, whose occupations and resources must consist in harrassing and devouring each other. We should have border wars, and bugle horns; moated castles for our liberties, and romances for our trade.

Whichever way this Abyssinian delusion is examined, it presents, instead of the peace, virtues, and felicity that are promised, nothing but social wars, vices, poverty, and destruction. The utter impracticability of its operation is more than a sufficient answer to the whole theory, if it were maintained by the best reasons that can be imagined.

Arguments against exportation in American vessels take for granted the certainty of its being the means of involving us in European wars on the one hand, and on the other the certainty of peace and prosperity resulting from a relinquishment of the exportation. But these assumptions are both without foundation. It does not necessarily follow that we must, if large exporters, take part in the wars of Europe; nor by any means does it appear that the abandonment of that trade would ensure our tranquillity, much less independence and advancement. Our coasting trade could not be relinquished; for the south and the east mutually depend on each other. But the coasting trade is no more exempt from embarrassments than the foreign; and, whenever it should be expedient,

could be as easily cut off by any great naval power from Europe.

There remains another aspect in which this question is to be viewed, and that the most important of any. As nature has blessed us with the exhaustless means of navigation and maritime adventure, so has the constitution under which we live guaranteed their unrestricted exercise. When the framers of that instrument, by the third section of the eighth article, confided to congress the power of regulating commerce with *foreign nations*, they, in terms, assumed commerce with foreign nations as one of the natural rights and privileges of the American people: a right which congress may regulate, but cannot take away. It is not in the power of any majority of any congress to decree the destruction of our export trade; and declarations of such an intention as this are hostile to the constitution, and offensive to the natural rights of the people. The west cannot legislate to this effect for the east. If the advantages of foreign commerce are doubted by any members of the congress or the administration, as it is said, the matter must be referred to the states respectively to decide. It is for the people at large to determine whether they will contend for the blessings they enjoy, or at the first alarm abandon them for ever.

It is rather singular that it should be applauded as an original sentiment, that congress has not the power to impose an embargo which should operate as a perpetual inhibition to foreign trade. The power to lay an embargo being incidental to the clause of the constitution referred to, and taken from it by implication only, and congress having laid an embargo generally,

without legislating on what an embargo is, we must refer to the acceptation of that term, which puts it on a footing with all other embargoes, which are in their essence, definition, and all understanding, temporary, and not perpetual, or even permanent restrictions on trade. This is so notorious, that contracts of affreightment are, by the laws of all commercial countries, merely suspended and not resolved by the intervention of an embargo upon their inchoate execution. There are instances recorded in England, of charter parties subsisting and being carried into full execution, after being suspended by an embargo during two years. And the famous ordinance of Louis XIV, compiled under the eye of the great Colbert, expressly regulates this subject to that effect. In Europe, embargoes are generally laid by the monarch, and continue during his pleasure. In the United States, a law from the three branches of government is essential to the creation, and nothing less than the assent of two-thirds of the states to the perpetuity of an embargo. Otherwise, the measure would not only be unconstitutional, but absolutely contrary to our natural and unalienated rights.

If the embargo was unavoidable, it cannot be perpetual. Congress have as much right to enact that Pennsylvania shall raise rice and tobacco, and Carolina turn her cotton into clover, as to impose an embargo which did not contemplate some day of limitation. The integrity of the union must be the first consideration; and its dissolution would certainly follow fast upon any attempt to curtail, by municipal imposition, the export trade of the respective states. It is probable, that, as such a measure as the destruction of our foreign commerce was never contemplated at Washington, so, on the other hand,

such a measure as the severance of the union was never seriously agitated by dispassionate men at Boston, though the violent counteraction of newspapers has fermented and thrown out threats to this effect.

Since 1801, no taxation directly upon the earnings of individuals has been called for by the national treasury. The duties payable by trade, on its entrance and clearance in the ports of the United States, have, since 1791, sufficed to pay off more than twenty millions on a principal of seventy-five millions of national debt; to satisfy every ordinary demand of state; to purchase Louisiana; to redeem a chief part of the public stocks; and to replenish the treasury every year, after all its expenditures. All this has been done for the government by commerce; for the direct taxes never yielded much, and the post-office, public lands, and other sources of revenue are comparatively of little amount.

Besides thus contributing twelve millions a year to the government, and without feeling so great a drain on its emoluments, trade has left at the disposal of individuals enough to contribute most munificently to the internal improvement of the country. A population doubled in seventeen years; interior communication facilitated, and lands vastly enhanced in value by canals and turnpikes; cities reared and flourishing, where, a few years ago, the ground was worth but a few dollars an acre; and highly-cultivated farms smiling where lately the wilderness howled, are the first-fruits of the freedom, trade, and neutrality of the United States.

These are indeed but the first-fruits of our commerce: not of our coasting or even carrying trade; but of that commerce which barter the inexhaustible raw material of the American soil for the superfluities of other regions.

It is the peculiar felicity of our situation to be able to increase for many centuries to come the amount of our exportations; and it is the nature of trade, if unrestrained, to create an augmented demand for the articles it supplies. The flour, tobacco, cotton, and generally the produce of the United States, can never be exhausted. When the day shall arrive, and it cannot be very distant, when the ports of South America and China shall be thrown open to American enterprize, the physical resource of this country will enable its foreign trade, by means of the valuable new markets presenting themselves, to exceed incalculably its present limits. With its progress, the settlement of new lands, the increase of population, the wealth and power of the government, the employment, information, and prosperity of the people, will keep a steady pace, as they have heretofore.

II. The injurious and unjust impositions by foreign powers on the commerce of the United States are numerous, flagrant, and increasing. Frauds and illegal traffic have been taken for granted from the sudden and unexampled magnitude of our trade; and, without any proof whatever of its unfairness or duplicity, the great maritime powers have presumed, from their unfounded suspicions, to harrass and oppress it with multiplied restraints, vexations, and prohibitions, which, if they had not the irresistible means, they never would have ventured to impose. Suspicions and jealousies have instigated, directed, and enforced their blows: after their infliction, and all the harm is done, we are left at our leisure to remonstrate, and negative their propriety. A calculation of the losses thus sustained is unattainable: but it will not be exaggerating their amount, including what we have been robbed of, and what we have been prevented from making, to

state them, notwithstanding the prodigious and seemingly unnatural augmentation of American commerce, at full one-third of its fair and lawful profits. Of this third, at least two-thirds have gone into the treasures of England ; for her subjects take care to convert what they get to their own use, and seldom burn or sink it, as has been done by the French. These wrongs are inflicted in various ways, and under several pretexts. England, who has the dominion of the ocean, boldly asserts her right to examine, seize, capture, and condemn in a number of cases, by virtue of the law of nations, or by virtue of such of her own orders and acts as she maintains to be issued and executed conformably to that law. France and Spain do not seem to place their piracies on an appeal to the law of nations, but rather refer them to a necessary retaliation and re-action of the extensions and interpolations of England, and of our submission to them. The principle is the same on which England acts, when she searches our vessels, sends them in on suspicion, or turns them away from blockaded places, and that on which France acts, when she burns and sinks them : a principle of self-preservation and belligerent annoyance, without regard to the effects on neutrals. Its operation is more pernicious in one case than the other ; but its essence and justice are the same in both.

From the other maritime nations of Europe, from Russia, Denmark, Holland, Prussia, and Portugal, all of whom have enjoyed the means of annoying it, and with whose rights and emoluments it has clashed as much as with those of France and England, American commerce has met with no molestation. I shall, therefore, in this inquiry, consider chiefly the conduct of England, because she pretends to justify her piracies,

and because I think that to their extension on her part, and sufferance on ours, all our maritime embarrassments are ascribable. Palpable or mere retaliating violations of our flag may be provided against, and, in process of time, prevented; but it is impossible to foresee, and successfully resist, as they occur, unfounded and sophisticated positions of pretended right, insinuating themselves as expositions of an unwritten but binding system, with which England seems determined gradually to overspread, deface, and obliterate the usages of foreign intercourse, and the natural immunities of neutrality.

The English government is seldom satisfied with a bare exercise of its power. All their public acts are accompanied with public explanations of their conformity to the law of nations, to the institutions of which inscrutable system the English lay claim to a rigorous adherence. It will therefore be proper, in the first place, to examine briefly what that system is, whence it derives any authority it may have, and how far that authority is binding.

The futility of such a system at all could not be more forcibly shown than in the present conjuncture. While the balance of power was nicely poised among the nations of Europe, and all, as they supposed, vitally interested in preventing the undue aggrandizement of any one, there might have existed some respect for a sort of tacit universal convention or understanding, which professed to regulate international intercourse. But since the chances of war have given to France the empire of Europe by land, and to England the dominion of the world by sea, and these countries are literally striving which can do the other most harm, and

have not left, strictly speaking, any one neutral, nor is there any superior or even mediating power to correct their abuses, of what avail are the usages of states in times of former peace or ordinary wars, or the usages that grew out of a state of things the very reverse of that which prevails?

But admitting that, whatever may be the changes or the crisis, the law of nations must nevertheless be the rule of action between independent communities, let us inquire what this supreme law was or is at best, and whether it can be considered as now in force.

It cannot be said any such pervading polity existed before the æra of modern Europe, nor that it is even now acknowledged by any sovereignty out of Europe, except the United States of America. The amphycotic council of the Grecians, and the facial regulations of the Romans, bear too faint a resemblance to the present extended complexure of tacit agreement, to induce our searching the annals of either of those institutions for its extraction. Henry the great's project of a confederated republic of all the powers of Europe, to be represented by ambassadors in a general congress, where laws should be enacted with binding force on all in their foreign relations, might have originated a code that would have been generally obligatory, and perhaps beneficial. But this scheme never went into operation; and as it is treated, by those who have considered it since, as utterly visionary, we cannot, nor do I know of any writer who does, refer the origin of the law of nations to that epoch. Some say chivalry introduced, and commerce perfected it. It is fortunately not very material to our purpose to ascertain when, where, or how it originated, or by what progressive

modifications it attained that degree of excellence and usefulness now attributed to it by certain commentators. We know that Grotius, a Dutchman, who wrote, about the beginning of the seventeenth century, a treatise, which has since been much read and applauded, on the rights of war and peace, had but a very indistinct idea of a law of nations. He knew very well what were the relative rights of war and of peace, and how they bore on each other, and when the one should or should not be paramount to the other; and no doubt thought, and perhaps he was not much mistaken, that, when he had stated and illustrated these rights in all their aspects, he had given the only ideas that could exist of a law of nations. But Vattel, a writer of eminence, who appeared soon after the war of 1756, declares that Grotius, to whom, at the same time, he renders the highest honours for learning and sagacity, had no notion of the system as since understood; and he adds, that, though it is a subject so noble and important, the greatest part of mankind have only a vague, a very incomplete, and very often even a false notion of it. The glory of conceiving the idea of such a system, and of executing a useful work upon it, was reserved, he informs us, for Wolf, a Prussian professor, who gave lectures at Hall about sixty years ago; and his conception of this subject was so shocking, in some respects, to Vattel, and the opinions now prevailing, that he considered civilized nations naturally allowed to make use of poisoned arms in war. Azuni, an Italian, and the last writer on the law of nations, whose work has been but a short time before the world, finds a principal inducement for its publication in the meagreness and intricacy of the writings of his predecessors in the same department.

of political science, who support, he assures us, interested opinions with bad reasons, and leave their subject in more confusion than they found it. It is not pretended that law is any where reduced to a written code for the resort of all, but is to be collected from the folios of half a dozen or more, not text writers, for they have no text to build upon, but mere fancy writers, who first point out what the text ought to be, and then arrange it as they are paid to do; and who, though they do not any two of them coincide upon any given point, are the only fountains of information and authority.

From so foul a source, so novel, so little understood, so irreconcileable when understood, and of such base authority if reconciled, are those supreme rules of international comity, which are to govern, without doubt and without appeal, the conduct and the controversies of independent states. Yet a departure from this comity rarely occurs without state papers, remonstrances, missions, and elaborate altercation. A paragraph or a dictum from one of these authors is brandished by opposite parties, with all the zeal and importance with which they would wield a formidable instrument of destruction. They are extolled or stigmatized, as suits the purpose of the moment. Refined disputations take place on the construction of what does not exist; and wars of arms and bloodshed are not prosecuted with more violence and animosity than distinguish these illusory contests of quotation and phraseology.

Unsatisfactory and unauthoritative as these commentaries are in all respects, they are particularly barren and controversial in that of the maritime rights of nations. Gro-

tius and Wolf and the early writers scarcely glance over this important branch of the law; and when we reach a later period, we are left utterly at a loss between the latitudinary pretensions of Hubner and the other asserters of neutral privileges, on the one hand, and the monstrous assumptions and costive admissions of Brown, Ward, Scott, and the other English, who compose the great champions of belligerent rights, as they are called, on the other hand: one side goes upon active interferences; the other is content with passive exemptions. The war of 1756, and the infractions which then for the first time started up, brought out a host of commentating competitors, who, if not struggling for hire, deal in most unaccountable contradictions. Vattel and Hubner are pitted against each other in the north; Galliani and Lampredi in the south; and we Americans, who make our first appearance in the ranks of independent nations while the battle is raging, with a modest determination to do what is right, according to the best of our judgment, are alternately denounced by the combatants for not abiding by their irreconcilable interpretations, and can for ourselves discover nothing but the din and dissonance of that comity of nations, which each party asseverates, according to his construction, is so harmonious and interesting.

The law of nations is essentially unlike all other laws whatever. A leading feature in all laws is, that their application shall not be made by a party to disputes arising under them. No party is a competent judge in his own cause. But the law of nations is always applied when and how either of the parties deems it expedient, without consulting the wishes of the other, and without any superior resort to controul misapplication. All municipal and other laws require the sanction of deliberate legis-

lation to their validity ; and even the ordinary intercourse of nations is defined and settled by solemn compacts called treaties. But the most intricate, mutable, and numerous portion of international law is left to float in an indefinable, invisible medium, to which the incessant controversies continually arising out of the foreign, and especially the commercial relations of states, are referred for explanation and adjustment : a medium so subtle and intractable that no political chemist, with all his modern improvements, has been able to embody it. It is essential to laws that they be framed with future aspects, and to protect the weak against the strong. But the law of nations, at best, is made up of the informal and *ex post facto* rescripts of princes and states, promulgated commonly in the heat of hostilities, not for the future protection of the feeble against the strong, or as invariable rules of action for future occasions, but with retrospective aspects and retro-active effects, for the justification and maintenance of some unauthorized act one belligerent has been forced, by the emergencies of war, to commit against another belligerent, by which the rights or possessions of neutrals are collaterally violated. Inability in neutrals to resist the perpetration of such acts, or temporary submission under diplomatic protest against their legality, or perhaps tacit submission, because the acts in question may not immediately affect their neutral rights or situation, are assumed by the power proclaiming the resolution to maintain by force what it has thus done by force, as sufficient indications of acquiescence in the authority of such acts : and accordingly ever after, while it has the ability, and finds it convenient, the power thus offending does not hesitate to support its subjects in the enjoyment of the consequences of these interpola-

tions, as legitimate sections of the law of nations. The belligerent against whom these acts have been aimed, for straitening his resources, makes public a contrary statement, in which he charges his enemy with an infraction of the known law of nations, appeals to all the world for the truth of his assertion, and to the success of his arms for the justice of his cause. Meanwhile the war goes on. When it closes, either this offence is passed over without notice, or buried in a secret article, or the triumphant party imposes an open concession of it on the other as a condition of peace. It is asserted, revoked, renewed, or perpetuated, at the pleasure of the strongest belligerent, without the rights of neutrals being in any manner discussed, or of the remotest consideration, and it should seem, of consequence, without their being parties to, or bound by the compact.

In a state of general peace, the law of nations is seldom resorted to, and little used, except to adjust the etiquette of courts and diplomatic punctilio. The great use of this law has been made by nations at war, for regulating the conduct of such other states as, though not engaged in the war, are to be affected in their neutral rights, and incidentally implicated by indiscriminate hostilities. Neutral states are scarcely ever made immediate parties to any alterations or glossaries, which belligerents promulgate and act upon, unless belligerents deem it sometimes prudent or decent in this manner to advertise neutrals of an intention to commit acts, which, but for such previous notification, might be considered not merely infringements of their neutrality, but just provocation to war.

Powerful empires, as they have less reason to fear war, and more to expect success and conquests, are commonly belligerents. Weaker states, for the contrary of these reasons, are commonly neutral. Thus, England and Holland, till England acquired an imposing superiority on the ocean, were eternally at war. Since when, England and France have been as often engaged in hostilities by sea, as France and Germany by land. While Portugal and the powers round the Baltic, except Russia, have always endeavoured to preserve their neutrality, and have generally succeeded; and Holland and the Italian maritime states, whenever the struggle between the great rivals did not by some pretended exposition, but real extension and infraction, of the law of nature applied to nations, ingulph these neutrals in its vortex. There has not been a war for a century, among the powers of Europe, or between any two of them, without mutual and equally just recriminations between the parties, in which each acrimoniously complains of departures from the law of nations, of infractions, interpolations, and interferences. It is idle to argue, that, as these very complaints concur in acknowledging, they thereby prove the existence of such a law supreme; because, if it were advisable to devote a page to so disgusting an exposure, it might be shown that every principle ever asserted has been at different times contested; and it is notorious that England actually acts upon positions she alleges to be parts of that law, most of which have been denied by all other sovereignties since the northern confederacy of 1780, and many of which are the subject of her disputes at this moment with this country, and several others. It is as vain to insist that a law, which has no other object than general convenience, and

no firmer foundation than tacit acknowledgment, is now existing, and operating in full vigour and conclusive effect, when all the states for whose convenience it was framed, and from whose acknowledgment it receives its only force, are not merely discussing and disputing different branches of it, but carrying on an exterminating warfare against its fundamental substance, its very elements; and when the infuriated conduct of that warfare hitherto, and its present posture, threaten it will never end, without eradicating and utterly destroying, with the obnoxious principles reciprocally asserted, a part of the existence of one or other of the nations with which those principles are said to be indissolubly connected.

By the ambition, wants, and encroachments of the great belligerents, their respective pretensions have been gradually heaped together in an irregular pile, to which they would compel less powerful neutrals to pay homage and obeisance. It was at all times the interest of neutrals to disavow and resist this usurpation; and if inability, remoteness, or prudence commended them to temporary forbearance, it is violating every analogy to common construction, to hold them concluded by acquiescence. But admitting, for argument's sake, that they were thus bound, and that the system was before desirable, and in this manner became supreme and beneficial, at any rate it endured no longer than its integrity, and could not outlive its essence: being the creature of tacit consent and universal convenience, the moment those creating it, or any one of them, departed in the smallest degree from its regulations, those submitting to it were, *ipso facto*, absolved from their engagement. Unless all are discharged by the contravention of any one, that one would be the gainer by his wrong, and all the rest

victims to their fidelity, which forms a relation between the parties, involving a violent contradiction of not only law, but common sense. It may, therefore, without a paradox, be declared, that the law of nations, as an uncertain compilation, by unauthorized and discordant editors, of international usages and relations has been entitled, is in fact law with no nation.

It is the baseless fabric of this vision the United States of America have placed for a corner stone of their jurisprudence, the law of nations being considered part of the common law, said to have been transmitted hither an inestimable inheritance from the mother country, and a rule of supreme force in all decisions of the courts of the United States, and of most of the individual states. The only solid reason for the adoption, by a republican and enlightened modern nation, of the municipal common law of an old monarchy, with its roots struck deep in feudal barbarity, and its branches, for here and there a salutary fruit, loaded with antiquated precedents and tremendous absurdities, is, that if, immediately on the revolution, it had been repudiated altogether, the statutes of the United States might not have embraced all cases occurring, and thus wrongs, both civil and penal, in too many instances, have gone unpunished. But, agreeing that we cannot do without the municipal common law, which, perhaps, in the penal department we could not, no such objection serves to sustain the expiring and mangled law of nations; for the foreign relations of America can always be settled by treaties, which are, under every circumstance, in every respect, a preferable mode of ascertaining and adjusting them. All that remains of the law of nations in Europe is but an unsubstantial pageant, under the direction, not of the judges, but mi-

nisters of state, before which not only our ministers, but our judges and commerce are bound to bow with ruinous submission. There it is a phantastic nothing, that never was but in the disturbed dreams of the commercial cupidity and aggrandizement of great powers, which they compelled the less powerful to observe. After it is, by their own wars and invasions, dissipated into thin air, leaving not a wreck behind, by that they would still oblige neutrals to steer, and to the ideal, extinguished, and invisible light of that wreck do they themselves appeal for illustration and sanction of their own exactions, oppressions, and causeless aberrations.

Having disclaimed any intention of giving more than a sketch of American commercial grievances, it will not be expected that much more than a passing notice should be taken of such of them as have been so circumstantially and ably explained in a number of pamphlets and mercantile addresses, that have appeared since the demise of the British treaty; particularly those which flow from that bountiful source of British wealth and American injury, the claim to capture in war trade following channels not open in peace, which has been completely exposed in a pamphlet ascribed to Mr. Madison. The colonial trade and the carrying trade of this country, which their enemies are fond of confounding, are, undoubtedly, the great causes of our embarrassments. But I shall avoid them here, because they have already been sufficiently discussed, and because the remedies hereafter suggested for the wounds of American commerce in general, will be as applicable to these as to others. I cannot, however, deny myself or readers the satisfaction which every American must feel, in finding the fairness of our trade, and the justice of our cause, made apparent from the statements of

our English adversaries: not from their concessions, but their contradictions. No arguments that could have been used by any one on this side of the Atlantic, would have served the United States so effectually, as the denunciations couched against us by the author of War in Disguise. That essay brought on an ample discussion of the points in dispute, which, next to their accommodation, it was the interest of England to keep back, and of the United States to bring on. The consequence has been, without taking into view the arguments, interests, or power of America, a developement of the necessities, dependence, and designs of England, and the total overthrow of her own allegations by her own writers. The Edinburgh reviewers, first in their review of War in Disguise, and since of Mr. Baring's Inquiry, lord Erskine's and Mr. Brougham's speeches, those speeches, together with lord Grenville's, Mr. Baring's Inquiry, the petitions of the manufacturers, and the evidence they were permitted to adduce at the bar of the commons, and, lastly, a pamphlet just published, called Hints to both Parties, furnish us with facts, reasons, and effects, both commercial and state, enough to satisfy the most suspicious and sceptical of American trade and rights, that not only are those rights unquestionable, and that trade fair, but that England cannot exist without the one, though she grudges and denies the other. I rely on the cheerful indulgence of every American reader, while, from their own contradictions and dilemmas, their falsehoods and fallacies are exposed.

Sir William Scott's well known logic, propounded in 1799, in the case of the Immanuel, which all Doctors' Commons, and the author of War in Disguise besides, extol as a master-piece, which they say may be amplified

but cannot be improved, and which logic, both before it was made public and since, the English government have acted upon to an immense amount of injury on all neutral and pacific nations, especially the United States, has been so often unwound and utterly refuted, that it is only noticed here for the benefit of the fact, that, though unfounded, it has been acted upon to the full extent of its false and scandalous premises. It was always understood in America, and appears lately to have suggested itself even in England, that whatever belligerent rights accrue to nations on the interruption of wars, they are not to be exercised against neutrals, otherwise the situation of the neutral is changed by the war, and neutrality is in effect no national attitude at all. If a neutral, in time of peace, may trade with all the world, no two or half a dozen powers going to war have a right to curtail or abridge the pre-existing rights of his neutrality. It is a monstrous position for a belligerent to take, when he announces to neutrals, as England does to the United States, after hostilities commence, you cannot now be permitted to carry on commerce, in which you were extensively engaged before the war begun on our part, because, if you do, you succour our enemies, whose trade we mean to cut off, and that will injure us, and, therefore, we cannot suffer it. What had the neutral to do in occasioning the war, that he should be made a collateral party to its privations? The regulations of blockade and contraband are on a different footing. If what was free to neutrality before the war, be closed by what the English term a belligerent right, during the war's continuance, the neutral right, though pre-existing, is sacrificed to a belligerent demand, though of subsequent date, and of the belligerent's own creation, without having in any way con-

sulted the neutral previously. A nation going to war should deliberately envisage and provide for its effects; and if one of these effects must necessarily be the extension of neutral commerce, by throwing open channels theretofore shut, this should form part of the previous consideration, as a natural consequence of the war, which the belligerent must expect, and has no right to contest. The case is vastly strengthened, when, instead of a trade extending itself by the pressure of war, we consider a trade flourishing during peace, and arrested by war.

With this simple solution of the question of right, I dismiss the subject in that respect. When posterity learn that a great naval power, with inconsiderable territories, a miserable climate, and few internal resources, disputed the empire of the world by its maritime strength alone, but insisted, as of right, to close upon a neutral republic, enjoying internal resources that could not be exhausted, a trade that rivalled that of the great naval power, but no vessels of force for protecting it, those channels of commerce, during the war, which had been free to its adventures before, there will be as little doubt of the right, as of the true cause of so unjust an interference.

The commercial jealousies and imaginary greatness of England prompt to eternal wars. Though her means of marine offence are very great, so entirely inadequate are her means of sustaining war, at home, without foreign aid, that she is often obliged, by the horrors of famine, to suspend all her navigation acts, relax her customs, and get food as she can. Though she would prevent the United States from continuing, during her wars, the trade they engaged in before her

wars were declared, upon asserted principles and rights, so little regarded are these principles, when they bear on herself, so insatiate is her commercial craving, and so dependent her existence, that, in the fury of hostilities, she is necessitated to relieve her subjects with licenses to trade direct with their enemies. The English government sells licenses for the importation of Spanish wool, during a war with Spain, to work up into superfine cloths, to be sold to the United States, whom she would prevent from trading with Spain, except in certain cases; licenses for the importation of gin, and even butter and cheese, from Holland, during a Dutch war and blockade of all the Dutch coasts; of coffee from St. Domingo, a French colony in a state of rebellion; nay, while the French armies were on the Vistula, the winter before last, French brandies were allowed to be imported into England, by a partial suspension of the hovering and smuggling acts, paid a small drawback, were re-exported, in British vessels, to ports contiguous to the encampments of those armies, and actually furnished them in large supplies. So much for the British right, and the British application of it, to inhibit, in time of war, trade open and not open in time of peace.

Next comes the question of the relative importance of American and English trade to England and the United States respectively: a consideration of more weight than abstract right. This is to be collected from several late English calculations, from which, though they all differ, both in their statements and their numericals, it is plain that our trade is of infinitely more moment to them than theirs is to us. It is as easy to arrange a formidable show of figures, as it is to

make a plausible argument, upon almost any data; and, from the flat contradictions of each other by the English speakers and pamphleteers, it seems to be as easy to slide into mistakes of one or two millions, as it is to fall into false reasonings and nonsequiturs. I do not pretend to use any information but what is derived from them, and from that information hope to show the capital of American commerce, and its importance to England, both of which facts are denied by the shipping and West India and navy interests in London.

War in Disguise alarmed the English with the notion, upon which the whole of that chapter of lamentations proceeds, that it was vain to continue the war, and what are called the indulgences to American commerce, at the same time; for, having neither commercial capital nor moral principle of our own, the people of the United States carried on a flourishing trade, on French capital, and simulated documents, perjuries, and so on, and thus stood between the enemies of England and the severity, which, but for this interposition, would be intolerable, of her belligerent blows. It even demonstrated, in round set terms, that this situation of affairs was better for France than peace, and enabled her, at a cheaper rate, to equip and man larger fleets, and send them to sea. To be sure, as the Edinburgh reviewers say, the idea of exalting the French naval power by the total destruction and abandonment of her maritime trade, is a great deal too absurd to require any serious refutation. Except to the mind of a very John Bull indeed, this reasoning was not quite satisfactory. But the charge upon the United States, of total want of capital, and every refinement of fraud and infamy, was so agreeable to the

general current of English sentiments with regard to this country, that, being uncontradicted, it was believed.

Mr. Baring, however, soon appeared, and, by the unanswerable arguments of arithmetical calculation, showed them that the United States were their annual customers to the amount of ten millions sterling, rather more than one-third of their export of manufactures in the best of times, and nearly all in the present, being the worst. This proof gave a weight to his evidence of the capital of the United States, which was quite a novelty, even to the statesmen of England, and perfectly astonishing to the people, and turned aside much of the sneering and ridicule which would otherwise have burst on the opinion he gives, that the Americans are an honest, enterprising, and wealthy people; for many English tradesmen, who live by American traffic, have no doubt the Americans are copper-coloured, and die every autumn with the yellow fever in great numbers, and are the most knavish and the poorest of mankind. But Mr. Baring's Inquiry went home to their feelings through their pockets, and, with the ruin of their sugar trade, the failure of their South American speculations, and their being deprived of all their markets on the continent of Europe, discomfited the rhetorics of War in Disguise. To these lights, the Edinburgh reviewers, and the evidence of the most respectable merchants before parliament, and lord Grenville's speeches, gave an effulgence of authenticity that flashed conviction upon the English nation, and was reflected back on their ministers, who have ever since been more circumspect than they ever were before in their deportment towards this country. Mr. Medford, too, in a publication which has been much quoted, showed that the idle notion, which even Mr. Baring en-

courages, of the United States being at all times about twelve millions in debt to England for manufactures, is an absurdity, and the fact the reverse: the flour, cotton, tobacco, and other produce of America, in England, unpaid for, and the remittances from the continent in London, on American account, undrawn for, leaving always a balance against England, and which, if struck at any moment, would be in favour of the United States.

That the delusion might be completely dissolved, and all doubts of their interest disappear, whatever pertinacity may remain to what they style their rights, a pamphlet has just come out, called *Hints to Both Parties*, written in support of their late orders in council, and to overthrow Mr. Brougham, Mr. Baring, and the manufacturers; in which Mr. Medford is admitted to be right in his estimate of the balance of British and American debts and credits, that America does possess very great capital, derived from the produce of her soil, or the profits of her neutral commerce, and that in many if not in most instances, either no credit at all, or a very short one, is given by British manufacturers to American merchants. According to this essay, the twenty millions a year of their domestic produce which the United States export to England, more than reimburse the British manufacturers for all the goods, wares, and merchandize, taken by the Americans for their own consumption. Of course the remainder is carried by American vessels to ports and places where British trade is at present inadmissible; and, if not thus carried, would rot in British warehouses. Mr. Baring is shown to be incorrect in stating the average balance for three years at nearly three millions, by this

writer, who will not allow it to exceed, at any rate, one million six hundred thousand ; and it may, indeed, he adds, he reasonably doubted whether any balance remained upon the commerce between the two countries for four years (he takes), to be provided for by the proceeds of consignments to the continent of Europe. The profit annually on American tonnage, which he charges Mr. Baring, and justly, with wholly omitting, he calculates at six millions sterling a year, at the rate of four pounds a ton, on one million four hundred thousand tons : which immense sum is every year engrafted on American capital and prosperity, in the establishment of banks and insurance companies, and, he might have added, in the cultivation of new lands, and the general diffusion of improvement and wealth. He admits the Americans, at their peace premiums and freights, can, and do, take a greater quantity of piece-goods from the British East India possessions, than the British themselves; and that they can buy fish at the fisheries, and sell them in the British West India islands cheaper than the English ; and thus, as he complains, out-trade and undersell them on their own ground. This gentleman, whom some suppose to be the author of *War in Disguise*, recommends the knife of excision to be immediately applied to that wen on British capital, American commerce.

In this way has *War in Disguise*, by provoking investigation, served to explode the imaginary mysteries and machinations of American commerce, and to place before the world the amplest testimonials of its capital and integrity.

For ourselves no such evidence was necessary. In the United States, these truths were felt, and no argu-

ments were wanting to make them evident. A very little political economy is sufficient to perceive American capital in the happiness and advancement of the whole country; and, as to American integrity, I hope there are few among us base enough to accede to the charges, which sometimes appear even in our own newspapers, of a deficiency in this respect. Any one but a London merchant, or perhaps an English statesman, old enough to have dealt with us as colonies, and too old to be persuaded we ought not to be poor colonies still, would be satisfied of our capital, when he adverted to the resources of our soil, and the felicity of our situation. Even such a character as either of these might be convinced by evidence forced into view by the embargo. Who that walks the streets of Philadelphia, and sees, notwithstanding a twelvemonth's stagnation of trade, several hundred substantial and elegant houses building, and the labouring community employed at good wages; who reads at every corner advertisements for workmen for factories of glass, of shot, of arms, of hosiery and coarse cloths, of pottery, and many other goods and wares; who finds that within the last year rents have risen one-third, and that houses are hardly to be had at these high prices; that land is worth, as Mr. Brougham observes, much more than it is in Middlesex; in a word, who perceives, wherever he goes, the bustle of industry and the smile of content; who, under such circumstances, that is not too stupid to perceive, and too prejudiced to believe when he does perceive, can doubt the solid capital of this country? A large sum, thrown out of trade, is, at the present moment, for employment, disbursed on interior improvements, and gives certainly a spring,

which, when trade shall be free again, will be less immediately active. But even when trade has been open for many years, from the city of Philadelphia alone more specie (dollars) is shipped to Canton, in China, where the English maintain a considerable factory, than arrives in Canton from all England. Of this, no small portion is obtained by the English residents, and by them sent to Calcutta; whence, if not distributed to the English armies and agents there, it probably finds its way to London: thus in a most remarkable manner attesting even the monied capital of the United States.

Upwards of eight million of dollars are annually exported from the United States to Canton and Calcutta; and it is the opinion of the best informed merchants in those trades, that, without this supply of specie, the British government would be unable to pay the troops in India.

Imports of Specie into Canton in 1802.

	<i>Picols.</i>
In American vessels	935
British do.	42 $\frac{1}{2}$
Danish do.	315
Swedish do.	85
Prussian do.	144
French do.	21
	<hr/>
	<i>Picols,</i> 1542 $\frac{1}{2}$
Equal to	<i>Dollars,</i> 4,000,000

Exports from Canton in 1802, in American Vessels.

Teas, say imperial, hyson, young hyson, hyson skin, and other green teas	<i>Picols,</i> 10,293
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Ditto, say bohea, souchong, campoy, congo, and other black	
teas	<i>Picols, 42,624</i>
Soft sugar	13,057
Sugar of candy	1,576
Yellow nankeens	<i>Pieces, 1,486,000</i>
Silks may be estimated to amount to	<i>Dollars, 300,000</i>

The number of American vessels at Canton, in 1802, was thirty-two, one of which departed for Europe, one for the North-West Coast, and the remainder for America.

The foregoing returns are taken from the ones made to the grand hoppo. Thus the account may be short of the actual quantity exported and imported, as the Chinese think it meritorious to smuggle.

More than 150 insurance and banking companies, with large capitals and stocks, some of them at a vast advance; the banks, since the embargo, overflowing with specie; obliged, in more than one instance, to enlarge their vaults for the reception of the treasure suddenly accumulated by the arrest of trade; able to furnish government with fifty millions at any moment; notes of hand discounted by brokers at legal, or less than legal interest; the profusion and cheapness of our markets in every article, afford attestations of American substance and resource, which no country ever before exhibited. The body politic is in much more danger of plethora than want of any kind.

These preliminaries settled, at more length, I fear, than they will find indulgence for, I proceed to consider the grievances of American commerce from foreign regulations, which may be thus classed. 1. Such as have grown out of the position that free ships do not make free goods; in other words, the right of search. 2. The impressment of our seamen, or the right of search

extended from goods to men. 3. The extension of blockades and contraband.

1. It will never, I trust, be too late to maintain the principle, that free ships make free goods. Maritime tyranny has, it is true, notwithstanding several hard struggles, almost driven it from political inquiry. It is useless to dwell upon it here, because, while we must submit, it would be impolitic by ill-timed and improbable efforts to endanger the rights we have. If a concert with Russia, France, Holland, and Spain, all of whom, with Denmark, must desire it, could be effectuated for freeing the ocean of privateers and of search ships, and directing, by common agreement, the operations of war against ships of war, leaving the merchant-man to the peaceable pursuit of his traffic ; and if such a system could be secured without our being drawn into hostilities, it certainly were a consummation devoutly to be wished. But peace and neutrality are the vital sparks of America, and whatever we may hope to see one day achieved, provided this belligerent pretension can be restricted to the least onerous executions, it is better we should bear those ills we have, than fly to others that we know not of. If American vessels are to be stopped and examined in every latitude, forced to exhibit their papers and letters on board the examining ship, and, on the slightest suspicion, be sent to distant ports for interrogation and trial, the least alleviation to be expected should be, in the first instance, a candid and decent examination in their own cabins ; and, if sent in, a speedy and cheap trial, according to the law of nations.

What is their treatment ? Compelled, at the peril of being fired upon, no matter what the weather may be, to put out their boat, and go on board the examining

vessel, where in general they experience an arrogant overhauling, and the most indecent reception. This is not only on the high seas, the highway of nations; but English squadrons hover, like birds of prey, round our estuaries, and harbours, and cover the whole extent of American coast, stopping and ransacking every sail that appears, from the rich Indiaman or London trader, down to the wood shallop, that plies between the counties and the capitals, or the pleasure boat with ladies, that makes an hour's excursion without the port. This is a state of dependence and blockade on our part, and of outrage and investment on theirs, which the catastrophe of Pierce for an interval suspended. But unless permanent and strong ground be taken by the American government for preventing the recurrence of such ignominious and inhuman scenes, no doubt they will be re-acted with more ranting, insolence, and bloodshed than ever.

It is a heavy injury to the American flag, that free ships do not make free goods, for the right to search is a great impediment to fair trade; it is a cruel aggravation of that injury, that its infliction is so wantonly harsh and opprobrious. But these are not the grievances to which I wish now to point the inquiry of Americans. There is another ill flowing from the same source, that, as it glides in the current of the law, without the tumult which others create, is less observed and less resisted, though its effects are ten thousand times more insidious and destructive. The organization and proceedings of all foreign courts of prize, their scandalous perversions of justice, their chicanery and their expence, are subjects of complaint of the most serious magnitude. The American admiralty courts are the only tribunals in the world, wherein prizes are tried according to the law of

nations, and not executive time-serving orders. They are the only courts for the determination of international disputes, from which an appeal ultimately lies to another court of law and justice. They are the only courts in the world, except the English, which pretend to be governed by fixed principles; and in England their pretence is a mere mockery of their practice. It may be very just theory that our judges established for the decision of maritime controversies, and those between subjects of foreign states and our own, should be appointed to independent tenures of office, with fixed salaries, the law of nations for their guide, and an appeal from them to a superior court of similar constitution, without the possibility of the executive in any way directing, affecting, or interfering with their proceedings. But while the nations with whom we communicate, and by whom our rights are passed upon, manage their admiralty concerns in a totally different manner, making their admiralty judges nothing more than expositors of executive orders, however correct our institutions may appear in theory, practice and policy enjoin a more practical and politic arrangement, by which, though the scales of justice might be disturbed, the balance of condemnations would be more equipoized. Either they should recede or we advance.

It must ever be an inveterate blot on the naval escutcheon of England, that, as her first and most famous navigation act was not the legitimate emanation of a wise permanent policy in time of peace, but the spurious offspring of Cromwell's spite and spleen against the Dutch, so the first appropriation of prize causes to an admiralty judge was made during a war between Elizabeth and Spain, not deliberately by queen, lords, and commons, but by a hasty proclamation, for mere purposes of state

and hostility. The rights of neutrals were not contemplated in this belligerent measure. From that period to the present, the judge, or lieutenant of the admiralty in England, has been always more of a state prosecutor than an independent judge. In truth, a lieutenant, or admiral, who hoists his flag and takes his station with the declaration of hostilities, derives great profit during their continuance, and loses his command, with all its incidents, on the return of peace. Even so late as sir Lionel Jenkins's time, it does not appear that he sat in form, as a judge, to pronounce the law, but rather was consulted by the council, and gave his opinions as to what was best to be done. All the other nations of Europe ever did, and still do pursue such a plan. In Spain, since 1675, a council of war, properly so called, has cognizance of questions of prize. In France, the admiral's place was a sinecure in the hands of individuals, till 1672, when, on account of the minority of a count of Vermandois, for whom it was destined, Louis XIV organized a council of prizes, which has since always sat in Paris, when necessary, and which, after a temporary dissolution, was re-organized by the present emperor, early in his first consulate. In Russia, a similar council was composed, in 1787.

In all these countries, appeals lie immediately from the councils of prizes to the monarch, and they avowedly take their instructions, not from the law of nations, but the royal ministers and mandates. They are mere executive boards, proceeding ministerially, according to the varying interests or caprices of the sovereign, though, before these late portentous times, they professed to take the law of nations and treaties for their guide, and though, like the board of commissioners of appeals in England,

they pursue certain judicial forms. But the real and only law to which these forms are applied is, in England, as well as every where else in Europe, the will of the sovereign.

There was no need for superlative sanctity in the English tribunals of prize; nor was it pretended, till their captures infinitely exceeded those of all other nations, and it was found convenient, with a legal justification, to give them a still wider range. A stronger proof of their resolution to systematize depredations on neutrality could not be asked than this pretension affords. Why should they depart from a form of proceeding openly pursued by all other nations of Europe, and having precedent, that great English Mammon, for its sanction among themselves? Why should they transcend the common comity of states, and go out of their way to be liberal to foreign commerce? Why do it by halves? Because it was necessary to enlarge the show of justice with the extended commission of injustice; to wrap a mock mantle round their iniquities; to meet and ward off the remonstrances of neutrality, pouring in with the multiplication and enormity of its losses, not with the unceremonious order of a privy council, but the honied protestations of a court of law. Instead of exposing the king and his immediate ministry to the direct representations of their injured allies, it was more convenient to create a pleasing automaton, to be wound up or let down, be silent or strike, as the jugglers behind the curtain work his wires, to whose immutable and edifying clock-work justice ministers could commend neutral complainants, while they applauded his wonderful excellence, and regretted its sometimes unfortu-

nate effects; but over whose mechanism they had no controul.

But how pitiful are these pretexts!—All the world knows that a prize act follows fast upon a declaration of war: sometimes precedes it, like letters of marque and reprisal: investing the judge of the Admiralty with a special separate commission for the adjudication of prizes. Within a century past no less than nine of these acts have appeared; one in 1707, a second in 1740, a third in 1749, a fourth in 1756, a fifth in 1759, a sixth in 1760, a seventh in 1776, an eighth in 1793, and a ninth on the renewal by England of the present war; each one containing a provision to the effect of the following, which is the 35th section of the act of 1793, now before me: ‘Provided always, and be it enacted, that nothing in this act contained shall be construed to restrain his majesty, his heirs and successors, from giving such further rules and directions from time to time to his respective courts of admiralty and vice-admiralty, for the adjudication *and condemnation* of prizes, as by his majesty, his heirs and successors, with the advice of his or their privy council, shall be thought necessary or proper.’—How is this provision to be reconciled with the law of nations, the rights of neutrals, or the independence of the judge?—Is not this untyeing the winds against the churches, to confound and swallow navigation up?—While such acts regulate the proceedings of prize courts, how is it possible to obtain justice, whether the presiding officer be as mad as sir James Marriott, or as learned and eloquent as sir William Scott?

It is true that both Spanish and French cruizers have, in many—very many instances, unlawfully captured, plundered, burnt, sunk, and destroyed American vessels. It is equally true that their maritime tribunals, or councils of prizes, have frequently condemned our property, as we

suppose, and probably, without cause. It is further true that American merchandize has, several times, been levied upon for heavy contributions, by French armies, possessing themselves of Leghorn and other cities. But if free ships do not make free goods, why should free towns? While privateers, picaroons, and robbers, as often unauthorized as commissioned from the ports of France and Spain, prey upon some of our trade, and their fleets and admirals and princes have even burnt and sunk some of our ships, the immense omnipresent navy of England stops and examines, in the most exceptionable manner, every vessel cleared out, coasters and all, turns away a very large proportion from proclamation-blockaded places, and thereby breaks up their voyages, and orders in a still larger for adjudication; and their judges, from sir William Scott down to the humble toll-takers planted in their transmarine possessions, after subjecting our seamen and officers, not indeed to twenty-nine lashes, but to as many disgraceful standing interrogatories, in which they are tortured for an account of their whole past lives—these judges, I say, complete the roll of exactions by condemning a most important number as good and lawful prizes; and out of which number, as they have shown us, not more than 35 out of 318, or even a less proportion, are at all obnoxious to condemnation. They to be sure proceed in great form, and rob, if not by virtue, at least by colour of law. But the difference, in value, is very great, between that part of our trade, which has, if I may say so, been guillotined by France, without pretence of right, and that infinitely larger part, which has had the sorry satisfaction of falling victim to the subtle, specious, splendid sophisms, the soft flowing sentences of sir William Scott, who, while he holds up to view the French guillotine, and diverts attention with the finest wrought representations of

its horrors, is himself employed the while in softly breathing one vein after another of American commerce, till he gradually draws off all its substance.

To this practice of rapine, raised on a theory of simulated equity, a corollary has been added, which, though of English origin, is of our own deduction; and which is precisely all that was wanting to deprive individual merchants of their only indemnity against unjust captures and condemnations.—The constitution of foreign admiralty courts, it has been shown, is so unlike our own, that all the advantages are theirs, and all the disadvantages ours. But the conclusiveness of foreign sentences, as the English courts term a sort of evidence they allow insurers to interpose between themselves and the claims of the assured for loss by foreign captures, completely chokes the only avenue by which their injustice might be avoided by individuals.

When England, from the preponderancy of her armed marine, first began to underwrite for Europe, it became a question how far insurance of enemies' property against British capture might be legalized in British courts. Men of common honesty and plain sense could not doubt on such a proposition. But lord Hardwicke, sir Dudley Ryder, and lord Mansfield, held seats at the privy council as well as on the king's bench; and their judicial opinions, possibly without their perceiving it, were tinged and tainted with the policy which insinuated itself into them from the council chamber. Lord Chesterfield says, that lord Hardwicke, who was a very good judge and a very poor politician, was ambitious of being thought a much better politician than a judge. These great judges and great politicians were all of opinion that it was good policy to encourage that species of insurance. The premiums received contribute so far to the gain of the receiv-

ing nation; and, if insurance be skillfully and fortunately conducted, the premiums are a tolerably certain source of great profit. To secure English underwriters from losses by foreign capture, no device could be imagined better than the conclusiveness of foreign sentences. It was therefore on the authority of an old case, which was decided on a different point, allowed by lord Mansfield to be pleaded and sustained in a suit brought by a Venetian against an English insurer, for a loss by a decree of condemnation pronounced by the duke of Penthièvre, then admiral of France. After this case, which was much resisted, and clumsily decided by the judges, English underwriters came to be discharged by the mere exhibition of foreign sentences of condemnation as prize; though the English judges said those sentences went in most instances on Algerine or worse than Algerine principles. It had been adjudged, in the old case before-mentioned, that foreign decrees were to be respected as far as to the mere change of property purchased under them: but no instance had occurred, till that of the unlucky Venetian, of an underwriter's being permitted collaterally to avail himself of the foreign condemnation to avoid the insurance. The absurdity of this objection was always so glaring (all other nations disclaiming it entirely) that the English courts had violent qualms, whenever a case presented itself involving it; and various and contemptible were the shifts resorted to, when they found it pressing hard upon a British subject: the principal of which were, that they would not abide by it if they could help themselves, that it should not be binding unless it came to a certain cabalistical conclusion, or if it was ambiguous. By these acts they could open or shut the conclusiveness as convenience prompted. It vacillated till 1803, when a dispute arising between some Virginians, who claimed for a loss, and

some Scotchmen, who objected to pay for it, by reason of a French condemnation, the controversy was carried to the house of lords, where it was solemnly argued before all the judges, eight of whom pronounced opinions, in which no two agree altogether, though upon the whole, a majority were for affirming the conclusiveness; but four of them, among whom were the chancellor, lord Eldon, and the chief-justice, lord Ellenborough, expressed their regret at feeling themselves fettered by some preceding decisions to such a judgment; and declaring moreover that the practice of allowing these sentences to be given in evidence for this purpose had gained footing by mistake.

Yet have the supreme court of the United States, a court composed of judges whose talents and integrity would do honour to any country in any age, and the highest court in Pennsylvania, after every British argument that ever was offered on this subject has been exploded, and since the violations of law and justice which for these twelve years have disgraced all admiralty proceedings but those of this country, have enhanced infinitely every objection that ever existed to such an abominable delusion, formally introduced into the United States this conclusiveness of foreign sentences, engrafted it on the law of the land, and made all American merchants suffering parties to all foreign condemnations. So dreadful is the enthralment of English precedent, by which our courts hold themselves concluded. The security which insurance should afford is thus discharged by the abracadabra of the law, and the merchant's wits racked for a new clause to be inserted in policies of insurance, mighty enough to confront with success the gigantic iniquities of foreign courts, and their imposing reception in our own. And all for what? Because it was right in the abstract? Not at all; that is hardly pretended: because it

is said we have English precedent before the revolution for it. That is not the case: there is no English precedent before the revolution for it. But if it were so, what have we to do with the political judgments of England? If we have, what is their reason? for in the law's reason even lord Coke desires us to search for its merit. Their reason given is, that the law of nations enjoins this profound respect to the decrees of international tribunals. Is that the case? The very reverse. No nation in the world pays such respect to the sentences of foreign prize courts, except the English. In France, Italy, Holland, Spain, every where, they indeed bind the property condemned, but otherwise the controversy is considered anew, just as if no foreign sentence existed. Even our state courts, notwithstanding the imperative injunction of the constitution, have refused conclusive operation to each other's judgments. But to the decrees of foreign admiralties, whose judgments are pinned to the text of their instructions, and whose process, from the inception of their jurisdiction to its common consummation, is a tissue of inquisitorial infamy, our tribunals yield their unqualified submission. Judges do not hesitate to reprehend foreign sentences in almost the terms I have used: but though the comity of nations does not prevent their stigmatizing foreign courts as base and scandalous, the same comity prevents their doubting the authenticity of their decrees; provided always they come to a fair unambiguous conclusion, which like your humble servant signed to a challenge, is a civil way of breathing havoc and destruction, in defiance of the law.

Merchants may perhaps avoid the effects of the conclusiveness of foreign sentences, by inserting a certain special clause in their policies: though even this has been

lately contested. But what a miserable system of jurisprudence is that, where the rule is only made to be evaded!

2. Of all the acts of injustice committed on American commerce, by foreign powers, the most crying is the impressment of our seamen from our vessels. This is a grievance proceeding from England alone, which in the nature of things will never be inflicted by other nations. France and Spain will never want American seamen; and, if they should, they will never have it to say, as the English allege, that it is almost impossible to distinguish ours from theirs. This is a pretension not to be varnished with excuses, nor justified by necessity. It is arbitrary, unjust, and tyrannical; and, as England has made all Americans feel, has been so exarcerbated by the unmanly and brutal manner in which it has been exercised in many, but particularly one fatal instance, that the dispute, from being one of right and policy, now involves the dearer considerations of national honour and sensibility.

When we are robbed of our property by foreign captors, and courts, and barred of all indemnity by the sanctity of their adjudications, it is natural that our complaints should be loud and deep, though it cannot be said our patience has not been long-suffering, and silent. But when our persons, our liberties, our lives are to be sacrificed to the phrenzy of aggrandizement, humanity dispenses with the calculations of policy, and a generous and enthusiastic indignation supersedes all discussion.

The affair of the Chesapeake has been so universally the subject of consideration since it occurred, and the correspondence of our government with their ministers in England, and with the English ministers here, has presented the public with so full and satisfactory a development of our rights and wrongs, in respect to this branch of our unsettled foreign relations, that it cannot be agreeable

to go much at length into the investigation here. It is a painful subject, riper for action than reflection.

The inordinacy of English ambition, the inadequacy of their means, and especially, the paucity of their population, here again constitute the instigating causes to the injuries they commit, and we sustain. No nation but England denies expatriation; and all writers on politics, from Cicero, with whose fine declamation on this theme all are familiar, down to Mr. Locke, support it as a natural right, which no social compact can take away. The English alone, on their usual plea of necessity, and an isolated saying of sir Matthew Hale, insist on holding the subjects of England to the allegiance in which they were born, and which they maintain cannot be shaken off. The reason is obvious. Their armies must be recruited, and their fleets must be manned, though they have but a population of 15 millions to cope with the powerful and populous empires with which they are so often at war. The freedom and cheapness of living in this country offer, besides, inducements to emigration that co-operate irresistibly with the poor laws, impressments, and dearness of living in England. To prevent depopulation, and to supply their fleets and armies, they recur to the very means they endeavour to withhold from us and others. The following, which is the 2d section of an act of parliament, enacted in 1740, furnishes a commentary upon their claim to take seamen from American ships, which, it is to be hoped, Americans will understand and appreciate. It is entitled an act for the better supply of mariners and seamen to serve in his majesty's ships of war, and on board merchant ships, and other trading ships, and privateers: and in the 2d section proceeds thus: "For the better encouragement of foreign mariners and seamen to come and serve on board ships belonging to this kingdom of Great Britain, be it further

enacted by the authority aforesaid, that every such foreign mariner or seaman, who shall, from and after the first day of January, 1739, have faithfully served during the time of war, on board any of his majesty's ships of war, or any merchant or any trading ship or ships, vessel or vessels, or privateers, which at the time of such service shall belong to any of his majesty's subjects of Great Britain, for the space of two years, shall, to all intents and purposes, be deemed and taken to be a natural born subject of his majesty's kingdom of Great Britain, and have and enjoy all the privileges, powers, rights, and capacities, which such foreign mariner or seaman could, should, or ought to have had and enjoyed, in case he had been a natural born subject of his majesty, and actually a native within the kingdom of Great Britain."—Thus by a statute of the realm are all men of all countries, but especially Americans, who speak the same language, enticed from their natural allegiance by a solemn promise to reward a short service in British ships with all the rights, immunities, and protection of British subjects. The United States give no such invitation. Their shores are open to all men: and after five years bona fide residence, on formally applying to a court of justice for citizenship, renouncing under oath, in open court, all allegiance to every foreign prince, potentate, or sovereignty, and especially that of which they were antecedently subjects, and swearing allegiance to the United States, citizenship is bestowed on all men of good moral character. But England, who contests our right to receive them on these terms, and asserts her own right to wrest them from us by force wherever she finds them, has no hesitation to adopt subjects without any form, without any notice to the original state, against which treason may otherwise be committed, without any residence, without any

condition but that of two years service at sea, in an English vessel.

Under such circumstances, to surrender one inch of the ground, it is hoped our government have taken with respect to American seamen, would be a cowardly desertion of those sacred principles, which are guaranteed by humanity itself, and to which we should cling, while a man is left to assert them.

Here too, as in all other British pretensions, the abstract injury is heightened by the manner of its infliction. The cruelties and outrage, which seem inevitably to attend the exertion of almost all their maritime pretensions, prove either the inexorable inhumanity of their tempers, or that the pretensions themselves are so radically wrong, as to be incapable of lenient enforcement. That American seamen should be called upon by British cruisers, on the high seas, for proof of their nativity or citizenship, and if they fail in any minute requisition, be pressed into the British navy, and there doomed to a protracted service, till, by the act of Parliament before cited, they become *ipso facto*, and in their own despite, British subjects, is a concatenation of injustice, that no rectitude or circumspection can provide against, no argument can justify, nor necessity excuse. It is not easy for a man by his fire side to imagine the horrors of this lingering slavery. It is a bitter draught, disguised as it may be, even in the pageantry and tumult of a naval victory. To a liberal mind, and many such have been thus immured, it can make but little difference whether the body be employed in dragging loaded carts under an Algerine task-master, or serving the gun of a man of war under a petulant master midshipman.

This impressment had reached a point of extent in its assertion, and of ferocity in its execution, which must soon

have exhausted the little remaining forbearance of this country, when the attack on the Chesapeake came, perhaps providentially, by the sacrifice of a few lives, to preserve the lives and liberties of many. This base and bloody affair produced sensations in the United States, and in England, which, though very different, were in unison as to the necessity of checking such excesses. From this tremendous misapprehension of their orders, by British officers, in attacking a national ship, it was made more evident than volumes of argument could have made it, that a persistance in this pernicious system would lead, in spite of the best precautions, to the most extensive disasters. The American people, with one soul, resolved on satisfaction for the past, and security for the future: and the British government felt the urgency for an ample apology, if not for a material modification of their pretension of impressment.

Still, however, like thorough-bred politicians, they attempted to elicit an advantage from the very circumstance in which they acknowledged their wrong. The topic of impresssment had long been anxiously discussed between them and the American government. But, instead of coupling reparation for the affair of the Chesapeake with the arrangement of that subject, of which it was at once the cause and the effect, or at least of treating them simultaneously, they insisted on suspending the consideration of impressment altogether, and thus making use of their insult on the American flag, and butchery of American citizens, to postpone indefinitely the settlement of such terms as were then actually in train, and imperiously called for, to prevent a recurrence of similar calamities. In this spirit Mr. Rose was sent over with the bosom confidence of the sarcastic secretary and the British ministry: and after the obstacle to his landing, which he imagined, notwith-

standing an express clause to the contrary in the proclamation of interdiction, was removed by the assurances of our administration, he proceeded, doubtless with full powers, to Washington. The conduct pursued by him and the administration respectively, as explained in their correspondence, while it bespeaks on their part a policy at once dignified and pacific, shows, I think, that his mission here was not to make peace, but a show; not to explain the rights of his country, but to put ours in the wrong. If this was his errand, never was minister more successfully, or more easily baffled and discomfited. I shall ever ascribe the continuance of our difficulties, and the procrastination of even a temporary or partial settlement, till this late day, and God knows how much longer, in great measure to the embassy of Mr. Rose. If the British government had been sincerely disposed to accommodation and a fair understanding, if not a treaty, they would not have asked for a separation of these inseparable questions. They would have arranged them, at least for the time being, with our minister in London. They would have entrusted them to Mr. Erskine. They would, in short, have done any thing but send hither Mr. Rose, with, perhaps, a secret understanding, which Mr. Erskine, not being an adjunct to the mission, seems to warrant our inferring, not to concede the reasonable desires, but to feel the pulse, of this country.

If Mr. Rose had not full powers to settle both the affair of the Chesapeake and the impressment, his was a very idle errand. At any rate he must have known the sentiments of ministers on both subjects. If, as probably it was expected in England, our government had adhered pertinaciously to their desire of blending the two, he would have returned in triumph, leaving on our heads all the blame of implacability. But, deprived as he was of one

demand after another by the candid and liberal concessions of our administration, his whole scheme was defeated, and he returned without succeeding, either in accomplishing the primary purpose of his mission, or, if that failed, of putting us in the wrong, which was hardly a secondary purpose. If Mr. Erskine had represented England in this transaction, the communication requested by Mr. Madison of the terms to be offered, would scarcely have been withheld. That gentleman is actuated by a sincere wish to preserve the good understanding of the two countries. His urbanity, good sense, and liberality have gained him the high consideration of all men in the United States, which circumstance has, in all probability, continued him the resident minister here, long after his father and friends are out of place at home. This the present ministry knew; and therefore, if they intended a serious settlement of our differences, Mr. Erskine would have been the organ of these communications. It is idle to talk of the parade of a special mission of reparation. For fixing our government in the wrong, this was well enough; but though they required some suitable apology, no doubt they would have preferred a satisfactory accommodation of the great points in dispute, to any supercilious and empty excuses. The British ministry were certainly at liberty to select their own ambassador; and it is customary to select ambassadors whose politics accord with those of the ministers, who appoint them. But, if they meant well to us, why not commission their agent on the spot, who would be most acceptable to our government, almost the only envoy in whom they have not been unfortunate; who, without the finesse of Mr. Liston, the grumbling of Mr. Merry, or the blazon of Mr. Rose, has hit on the art, merely by avoiding all artifice, of giving satisfaction at the same time to our administration and his own, and who has maintained

a delicate and precarious mission with firmness, dignity, moderation, and feeling. If the English meant to outwit us with Mr. Rose, they were properly requited: for never did diplomatic artifice recoil more severely than on this occasion. He supposed that he came with a budget of preliminaries, no one of which would be acceded to; and, if the first should, that he certainly would confound us with some other: each one being rather harder of digestion than that preceding it. Contrary to all his plans, his proposals were severally accepted; the American government relinquishing much more than they should have done; and in effect going so far as to make themselves in appearance not the aggrieved, but aggressors, though Mr. Rose came 3000 miles in a frigate, with a suite of secretaries, to confess the aggression. It is not possible, in any contest, to have the vantage ground, in every respect, more than Mr. Madison has in the correspondence between him and Mr. Rose; not only in the subject matter, but the style and phraseology. Mr. Rose does not even display the common ingenuity, which may be brought to bear on the worst cause; and, if his argument was tolerably well sustained, his labyrinthian sentences, and perplexing parentheses, and the mass of words he throws in so promiscuously, smother his meaning beyond all recovery. It is some satisfaction for us to think, that if we are trampled upon by superior British force, in an unequal combat, in the contest of diplomacy the American officers bear off all the palm.

3. While it cannot be denied that what is styled the universal law of nations, contains no restriction whatever on the indiscriminate transports of all articles of commerce, it must be conceded that treaties for the last three centuries stipulate against the legality of certain articles denominated contraband of war. There is therefore, in

effect, as much of a law on this subject as on any other: though jurists have chosen to distinguish it from most others, by a declaration, in which (*mirabile dictu*) they agree, that contraband is a creation of treaties, and not within the scope of the law of nations. Unless to besieged or blockaded places, there would seem to be no reason for the prohibition of supplies, in time of war more than in time of peace: otherwise the subsequent belligerent pretension destroys the pre-existent neutral right; and if the voice of humanity is to have any authority, in most cases its calls are much louder in war than in peace, for the commercial assistance of neutrals. As the law of nations never did, and does not, specify a single article of contraband, it follows that the rights of parties must be referred to their treaties, and to them alone, for accommodation, when they clash in respect to what is or is not contraband. A treaty, creating certain regulations in this particular between any two countries, is no criterion in disputes between one of them and any other country. And when no treaty exists between two countries, one of them has no right to molest the other in the transportation of any supplies, munitions, or other articles of whatsoever species to any other country, which may happen to be at war with the first: for the law of nations does not include such a case; and it is offending all propriety to apply by force the assertion of any principle not established by law. Thus Russia, with whom the United States have no treaty, would have no right to intercept warlike stores on their voyage from a port of the United States to a port in England, though Russia is at war with England; nor has England any right to intercept the exportation of instruments of war by vessels of the United States to any port in Russia, or any other country with which England is at war; provided always that port be not blockaded, which gives a right we

shall consider presently. According to the law of nations, it is, therefore, the right of the United States to ship the several materials for hostilities, which come under the specification of contraband in the British treaty, to any and every part of the world, without let or hindrance from England, because having now no treaty with England, there exists no prohibition or understanding which can justify their seizure or condemnation. There are powers with whom we have such treaties as make it unlawful to carry certain articles set forth in these treaties to any nation with which these powers may be at war. These are the French, Spanish, Prussian, and Dutch, with all of which nations we have treaties subsisting, that ascertain, agreeably to usage, what articles are contraband. In this particular, as in all others, it will be seen that England has demanded, and obtained from us, such concessions as are inconsistent with the general regulations of contraband. According to the specification of all treaties and conventions, from that of Westminster, concluded in 1468 between Edward the IVth of England and the duke of Brittany, down to that between England and Russia in 1801, the catalogue of contraband comprises those things only which are of immediate and direct use in war, for attack and defence, by sea and land—cannons, mortars, firearms, pistols, bombs, grenades, balls, bullets, fire-locks, flints, matches, powder, salt-petre, sulphur, helmets, pikes, swords, sword-belts, pouches, saddles and bridles, are the articles enumerated in the treaty last mentioned. Of these, sulphur and salt-petre do not strictly comport with the acceptation of the term contraband, because both sulphur and salt-petre, particularly the former, are applied to many purposes, besides those of offence and annoyance in war. Unless a broad line be traced between articles really and immediately pertinent to the occasions of hostility, and

such as are only distant constituent materials, the effect of the term will be to exclude all intercourse whatever: for from money, which is the sinew, and flour, the substance, of a nation, down to rum, brandy, and coffee, which are stimulants, there is no production whatever of nature or art, which may not, by chemical combination or political tergiversation, be annexed to the list of contraband. The 18th article of the British treaty, besides all implements of war, adds timber for ship-building, tar or rosin, copper in sheets, sails, hemp and cordage; and generally whatever may serve directly to the equipment of vessels, unwrought iron and fir planks only excepted; and not satisfied with this sweeping expansion, provides moreover that whereas the difficulty of agreeing on the precise cases in which alone provisions and other articles not generally contraband may be regarded as such, renders it expedient to provide against the inconveniences and misunderstandings which might thence arise: therefore, whenever it shall be necessary for England to seize provisions and other articles as contraband, her government shall pay for them at a fair price. Thus, after prohibiting the customary articles of contraband, they cumulated restrictions, which our abundance in the materials prohibited rendered peculiarly oppressive upon us, and which the circumstance of there being no restrictions of a corresponding character in our treaties with other nations, enabled England effectually to monopolize. Our treaty with Holland, with Spain, and even the convention concluded with France in 1801, notwithstanding the existence of the British treaty rendered such a clause necessary to the equality of our foreign relations, contain no prohibition of naval stores, hemp, cordage, tar, rosin, timber for ship-building, or whatever may serve for the equipment of vessels. In all these articles the United States abound. In all of them England

is deficient. By this stroke, then, she effectually colonized our commerce in the matters declared contraband, and totally unneutralized our situation. A Dutch, Spanish, or French, or any other ship, had no right to prevent our supplying England with naval stores to any amount and of every description; while an English ship was invested with ample authority to capture and have condemned any American vessel destined, with similar stores, to France, Spain, or Holland. But the mischief did not stop here. In order that our rights might be completely prostrated, and our mouths hermetically sealed, one of those diplomatic ambiguities, which are framed to cause confusion worse confounded, was thrown over this whole article, in the shape of a declaration, in effect, that England should seize and condemn, as contraband, any provisions *or other articles* which should be obnoxious to her future necessities. With the sanction of such a devouring clause as this, it cannot be surprising that England should, whenever it was convenient, direct the capture of any thing whatever, and its condemnation, as contraband. Accordingly, in 1800, a ship called Brutus, bound from Salisbury in Massachusetts to the Havanna, was sent into Halifax, and there condemned as contraband; and this condemnation, on appeal, affirmed by sir William Scott. The vessel was proceeding in ballast to procure a freight from the port of her destination. But a suspicion being conjured up that she was going to be sold, and might be converted into a privateer, the entire vessel, hull, masts, sails, cordage, and cabouse, by a generalized application of all the prohibited articles to her single case, was condemned as good and lawful prize to his majesty's subjects. It was a merciful relaxation of the rules of contraband, which, in this instance of stupendous iniquity, suffered the crew to escape a similar construction: for

surely they were as much contraband as their vessel. In 1804, the American ship Richmond was seized in St. Helena for having some pitch and tar on board; and, being sent to England for trial, was there, together with her entire cargo, adjudged a prize to the king by sir William Scott; for having in her hold, with a miscellaneous cargo, a few barrels of pitch and tar, which, as was sworn, and not disproved, were not destined for any of the enemies of Great Britain. It is needless to detail the decisions which have been, at various periods since 1799, pronounced by sir William Scott, on certain Danes, Russians, Pappenburgers, and other neutrals, which, in his common practice, extend the incidents of contraband to a most unnatural degree. He condemns a whole ship and cargo for a few doubtful articles of contraband. He condemns them when returning with a fair cargo, when they cannot prove that on the outward, or perhaps a former voyage, they did not deal in contraband. He has condemned cheese and butter as contraband. He has condemned the freight in case of seizure for carrying contraband. He has, in short, in cases which it is presumable would be applied as precedents to any American captures coming before him, beat out the chain of contraband till it is long enough, under such a stipulation as the 18th article of the British treaty, to encircle every seizure, and justify every condemnation: and, without the aid of the rule of 1756, or any other of the great maritime energies of England, by means of contraband regulations alone, the whole commerce of America might be colonized to England.

While England has been thus grasping in her treaties, and unjust in her conduct towards the United States, with regard to contraband, all other powers have manifested towards us the most steady and equal justice. The

treaty with Holland, that with Prussia, that with Spain, and the treaty with France in 1778, and the convention with France in 1801, the prize ordinances of France at all times, and under all their unavoidable modifications, confine contraband to its original, legitimate and only acceptance: that of articles immediately useful for war. Not only have these powers treated our rights with respect in their treaties; but, what is of much more consequence, their conduct has evinced an honourable adherence to their professions: and I believe an instance is not on record of the condemnation of an American vessel, in any country but England, for the transportation of articles of contraband.

Though contraband has no footing in the law of nations, blockade has perhaps a firmer foundation in that law than any other belligerent right. I do not mean by this acknowledgement to concede the rights of neutrality to those of war; or to admit that the latter, in point of first principles, may, under any circumstances, supersede the former. But if there is any case, when the belligerent may so enforce his hostilities as to injure neutrals, it is when they attempt to break a line of circumvallation, which he has been at the expense and peril of drawing by his fleets or armies round a port or place of his enemy, for the purpose of distressing and reducing it. When an army or a squadron actually invest a town or harbour, by siege or blockade, war gives the right (if war can give any right) of preventing the approach of friends or succour; and reducing it to submission by famine, bombardment, storm, mining, or any other process of destruction. Neutrals cannot intervene with assistance, without utilizing the labours and designs of the blockading belligerent: wherefore, though it may be of much greater moment to the place blockaded that it should be saved from starvation or surrender, than it is to the blockading power to possess it, and

therefore the neutral cannot be passive or active, without offending the wants of one party or the rights of the other, yet it seems agreed by all nations, which entitle themselves civilized, that the neutral shall remain passive, though a great loser by that situation, rather than be active. But this belligerent right is as definite as it is undeniable: nor was its definition or limitation ever doubtful in the smallest degree, till the excesses of England, in the present and last wars, transcended and overthrew them.

A blockade by sea is analogous at all points to a siege by land. Certain principles are equally applicable to them both. There must be actual and sufficient investing force; and to legalize the enforcement of their privations on neutrals, there must be timely notice to them of their existence and extent. Proclamation blockades, without investing subsidiary fleets, are, in fact and in law, visionary and of no effect. No neutral is bound to pay any regard to them: for to deprive the neutral of his pre-existent right, it is a *sine qua non* that the place be surrounded with a sufficient squadron. Whenever the blockade surceases, partially, accidentally, or for a time, by the blowing off of the blockading squadron, by its leaving the station in pursuit of an enemy, or by any other cause, the restoration of neutral rights is instantaneous and consummate. When the neutral is so situated, as not to be able to know of the investment till he arrives within the precincts of its jurisdiction, his previous ignorance of the fact of blockade is ample excuse for his first attempt to enter the place. The 18th article of the British treaty contains a stipulation to this effect, which has been declared by the highest judicial authority in this country, and which all men must admit to be, a correct exposition of the law of nations.—No destination or departure for the place blockaded can inculpate ship or cargo. As judge Livingston forcibly put this point,

you may as well call buying poison an overt act of suicide, as sailing for a blockaded port an overt act of breach of blockade. All these principles have been, at different times, assailed and unhinged by the British admiralty courts. The decisions of sir Wm. Scott on this subject during the last ten years, predicating themselves on the most abominable fallacies, have, in a course of successive invasions, destroyed them one after another. His decisions on blockade are at open war with each other, and with all law, common sense, and common decency. It is unnecessary here to explore their crooked course, because the fearful stage, at which this belligerent pretension has at last arrived, renders the review of all minor aberrations of little interest. I shall therefore pass at once from every anterior abuse, to concentrate attention on the late orders and decrees: those absurd and savage violations of neutrality and the law of nature. In these, as in their other retaliating measures, the French do not pretend to assert abstract essential justice, or propriety. Even the English have here abandoned their usual policy, and boldly take their stand upon retaliation and necessity. American rights and American wrongs are equally disregarded in this ferocious contest, in which the colossal gladiators, become, the one intoxicated with success, and the other desperate with disaster, level their weapons at random, without considering whom they may destroy, and without even the appearance of regard for those refinements of civilization and comity which presided over their former battles. It is humiliating to the United States that they should be thus buffeted by both parties, without any further atonement than the reiterated asseverations of an inevitable retaliation, which itself tramples in the earth our most unquestionable immunities. But as the question is stated on this issue by both belligerents, let us inquire for the source

of these bitter waters of retaliation ; and if we succeed in ascertaining it, the next step will be toward measures calculated to prevent their recurrence.

For this purpose it will be necessary to go back as far as the commencement of the hostilities which broke out from all quarters of Europe, on the French revolution in 1792. A series of all the blockade regulations of England and France since that period will show, I think satisfactorily, whence their abuses proceed. The first extension of the ancient and essential principles of blockade appear in the British orders of that time; which first raised the sluices of depredations, that have ever since flooded the ocean; and which, if not now speedily and effectually closed, will overwhelm the commerce, freedom, and sovereignty of the United States.

On the 8th June, 1793, instructions were issued by the British government declaring it 'lawful to stop and detain all vessels loaded wholly or in part with corn, flour, or meal, bound to any port in France, or any port occupied by the armies of France, and to send them in.' And on the 6th November, 1793, instructions were issued commanding British cruisers to 'stop and detain all ships laden with goods, the produce of any colony belonging to France, or carrying provisions or other supplies for the use of any such colony, and to bring the same, with their cargoes, to legal adjudication.' Thus, in effect, before the existence of the British treaty, was one half the trade of America jeopardized, and the harbours, coasts, colonies, and armies of France, in every part of the world, subjected to the operations of a rigorous blockade, by clandestine orders, without actual investment, and while the fleets and merchant ships of France were traversing the ocean in great force and numbers. These inhuman orders were to be sure alleviated by a

modification of them, declared on the 8th January, 1794. But that modification itself left still in force a violent infringement of the law of nations and rights of neutrals, which has never since been removed. On the 25th January, 1798, an alteration of the original orders of 1793, to which all subsequent orders seem to be referred for first cause, was promulgated : but neutral rights were as little regarded in this last regulation, as in all those preceding it.

The orders of 1793 were introductory of a system of aggression, which, it is plain, was at that period contemplated by the councils of England, and which never has abated or changed its ground since, but when forced by the pressure of war, or allured by the prospect of better booty, from its original attitude. In all partial and seeming relaxations, the interests of England have been singly in view, and the rights of the United States wholly out of the question.

France had long ago the strongest relative reasons for retaliation, in these English assumptions. If retaliation may ever be exercised to the detriment of neutrals, and as merely between France and England, the former would have been justified any time before 1799, and after 1793, to have enforced that re-action, with which she has since shaken Great Britain to her centre. It cannot however be pretended that, in any instance, the government of France, or any one of them, even during the most unsettled times, even presumed formally to retaliate on their enemy these cruel pretensions. But England, as if devoted and blind to destruction, was resolved to leave no room for doubt, and to perform such acts, and to drag into the light, which already glared upon her misdeeds, such evidence, as should silence every pretext, and absolutely and wantonly provoke retaliation. On the twenty-first of March, 1799, the British

government notified neutral powers, that the necessary measures having been taken by his majesty's commands for the blockade of the ports of the United Provinces, the said ports are declared in a state of blockade, and that all vessels which may attempt to enter them or any of them after this notice, will be dealt with according to the law of nations, and to the stipulations of such treaties subsisting between his majesty and foreign powers, as may contain provisions applicable to the cases of towns, places, or ports in a state of blockade.' Here then is a blockade, by proclamation, of an entire and tempestuous sea, and all the harbours upon it, and of the great commercial empire composed of them. That American vessels were not dealt with according to the law of nations, and of the British treaty, in the numerous instances of their seizure and condemnation under this paper blockade, the records of Doctors' Commons, from the case of the Columbia through a long list of equally unjust condemnations down to the present day, prove to the conviction of all mankind. The enemies of Great Britain and her allies were equally outraged in their respective rights by this apparition of blockade, which assumed different and the most revolting shapes, but which, in all its shifting variations, never ceased to prey upon American commerce. No retaliation from France followed this measure.

The next in the chain of aggressions was the furtive and base attempt by England, announced in the case of the Essex, under a lately discovered fraudulent continuity in our carrying voyages, to revisit American commerce with the lash of a poisoned sliver from that mortified root of all maritime evils, the rule of the war of 1756. This was a jump beyond the jumping judg-

ments of sir William Scott; and, accordingly, it appeared first from the board of appeals. The seizures without end, and the condemnations without justice, which were made under cover of this insidious novelty, are familiar to the remembrance of all Americans. The United States rang with commercial remonstrances, in which all parties joined without distinction, to demand of government satisfaction for the destructive effects of a pretension, false in principle, and false in its application. It was untrue, as the English supposed, that the duties were unpaid because bonded; and, if it had been true, it was a most insolent and wicked stretch of belligerent demand, to molest American commerce on the plea of alleged defects in our custom regulations, with which the courts of England profess to have no acquaintance.

In the mean while, the battles of Ulm and Austerlitz were gained by the French; soon after, the victory of Jena was achieved; and, finally, the treaty of Tilsit melted down the principalities of Europe, under the talismanic sceptre of Napoléon, into one immense empire, comprehending every port from Gibraltar to the Baltic, and from the Baltic to the Black Sea. Every port, either by open cession or in effect, was at his command; and he did not hesitate to make use of this gigantic posture in his affairs to turn all the land against England, as England, by those extensions of the rules of blockade and other encroachments we have traced, had not hesitated to use her equally imposing naval supremacy to turn all the sea against France.

This situation of things, so ruinous to trade, had certainly never been in England's contemplation, while, by successive aggressions, she was gradually trenching

on the ancient laws and usages of the sea. The conquests of Napoléon were not to be conceived; and no one foretold the day when he would have at his disposal the entire marine of Europe, the sea-board and the shipping. Such unlooked-for and intolerable reper-
cussion of their own system cast England into a dilemma, which left her nothing but the option of most injurious alternatives: either the relaxation of that system she had been so long building up, and on which they consider their greatness dependent, or perseverance in it, at the expence of driving every ship, of every nation, from every sea. This latter project was adopted; and, in consequence of it, the government of the United States deemed it prudent to withdraw American commerce from an exposure to this Scylla and Charybdis navigation where, on one side or the other, destruction is inevitable.

Shortly before the treaty of Tilsit, but when it was probable that such would be the termination of the war, the emperor of France issued the following decree from his camp at Berlin, bearing date the 21st of November, 1806:

Imperial Camp, Berlin, Nov. 21, 1806.

Napoleon, emperor of the French, and king of Italy, considering:

1. That England does not admit the right of nations as universally acknowledged by all civilized people;
2. That she declares as an enemy every individual belonging to an enemy state, and in consequence makes prisoners of war, not only of the crews of *armed* vessels, but those also of *merchant* vessels, and even the supercargoes of the same;
3. That she extends or applies to merchant vessels, to articles of commerce, and to the property of individuals, the right of conquest, which can only be applied or extended to what belongs to an enemy state;

4. That she extends to ports not fortified, to harbours and mouths of rivers, the *right of blockade*, which, according to reason and the usage of civilized nations, is applicable only to strong or fortified ports;
5. That she declares blockaded places before which she has not a single vessel of war, although a place ought not to be considered blockaded but when it is so invested as that no approach to it can be made without imminent hazard; that she declares even places blockaded which her united forces would be incapable of doing, such as entire coasts, and a whole empire;
6. That this unequalled abuse of right of blockade has no other object than to interrupt the communications of different nations, and to extend the commerce and industry of England upon the ruin of those of the continent;
7. That this being the evident design of England, whoever deals on the continent in English merchandize favours that design, and becomes an accomplice;
8. That this conduct in England (worthy only of the first ages barbarism) has benefited her to the detriment of other nations;
9. That it being right to oppose to an enemy the same arms she makes use of, to combat as she does; when all ideas of justice, and every liberal sentiment (the result of civilization among men) are disregarded:

We have resolved to enforce against England the usages which she has consecrated in her maritime code.

The present decree shall be considered as the fundamental law of the empire, until England has acknowledged that the *rights of war* are the same on land as at sea, that it cannot be extended to any private property whatever, nor to persons who are not military, and until the right of blockade be restrained to fortified places actually invested by competent forces.

- Article 1. The British islands are in a state of blockade.
2. All commerce and correspondence with them is prohibited. Consequently, all letters or packets written in England, or to an Englishman, written in the English language, shall not be dispatched from the post-offices, and shall be seized.

3. Every individual, a subject of Great Britain, of whatever rank or condition, who is found in countries occupied by our troops or those of our allies, shall be made prisoners of war.

4. Every warehouse, all merchandize or property whatever belonging to an Englishman, are declared good prize.

6. One half of the proceeds of merchandize declared to be good prize, and forfeited as in the preceding article, shall go to indemnify merchants who have suffered losses by the English cruisers.

7. No vessel coming directly from England or her colonies, or having been there since the publication of this decree, shall be admitted into any port.

8. Every vessel that, by a false declaration, contravenes the foregoing disposition, shall be seized, and the ship and cargo confiscated as English property.

9. [This article states, that the councils of prizes at Paris and at Milan shall have recognizance of what may arise in the empire and in Italy under the present article.]

10. Communications of this decree shall be made to the kings of Spain, Naples, Holland, Etruria, and to our other allies, whose subjects, as well as ours, are victims of the injustice and barbarity of the English maritime code.

11. Our ministers of foreign relations, &c., are charged with the execution of the present decree.

NAPOLEON.

By the emperor, H. B. MARET,
Secretary of State.

This decree both Mr. Baring and Mr. Brougham, attending, probably, more to the circumstance under which it appeared, than to the style in which it is clothed, or the points it enforces, profess to consider as the effusion of a moment of elation and triumph. That it was so is not likely, from the character of the man to whom it is owing; and that it is not so, its terms and matter both serve to show. The nine superinducing propositions to this state paper are critically true in point of fact; and the rules it promulgates are as critically correct in point of law and right.

It evidently has no aim but England; and, by the minister Decrés' note of the 24th December, in answer to general Armstrong's of the same date, any alarms which might suggest themselves to the Americans, from the general terms of the first article, are at once tranquillized, by the explicit avowal that American vessels going to, or returning from English ports, would not be molested, by force of that decree. It does not, therefore, extend one league over any part of the ocean; and, while thus confined to territorial jurisdiction, its regulations, however painful, are not to be questioned. Without doubt, France, or any other power, has the right to order that articles of foreign growth or manufacture shall not be admitted into her harbours or cities. If ever the execution of a belligerent retaliating right was necessary, this was; if ever such a right was enforced with punctilious and liberal regard to the claims of neutrality, this was; if ever a state paper was made public in proper terms, with a candid preamble containing (what is truly rare) a candid statement of its justificatory reasons, this was.

I put out of view here all the arguments on which Mr. Brougham founds his speech before the commons, of the harmlessness of this measure, by reason of the maritime inability of France to push it into offensive operation. When coupled with the explanation to our minister, I maintain it to be strictly conformable with the rights of France, and the law of nations; and insist that its operation may be eternal, without just cause of complaint by any nation whatever. Was Bonaparte to fold his arms, and gaze in abortive anger on the degradations of his enemy? Was he not bound, and had he not the clearest right to make the best use of his

great conquests? And has he not used them as moderately toward the conquered countries, and as forbearingly toward the United States, as sagaciously and fatally toward England? Let not the ghost of the duke d'Enghein distract us from a deliberate and just view of this great man's conduct; and, when he does no more than the interests of his people require, let us not be withheld by the terrors of his name from doing justice to his motives and his acts.

The next measures, in a chronological series, are the British proclamation of the 7th January, communicated by Lord Howick to Mr. Monroe, on the 10th January, 1807; and the orders in council of the 16th and 25th November, of that year. The first of these papers is to the following purport:

*Vote communicated by Lord Howick to Mr. Munroe, dated
January 10, 1807.*

The undersigned, his majesty's principal secretary of state for foreign affairs, has received his majesty's commands to acquaint Mr. Munroe, that the French government having issued certain orders, which, in violation of the usages of war, purport to prohibit the commerce of all neutral nations with his majesty's dominions, and also to prevent such nations from trading with any other country, in articles the growth, produce, or manufacture of his majesty's dominions. And the said government having also taken upon itself to declare his majesty's dominions to be in a state of blockade, at a time when the fleets of France and her allies are themselves confined within their own ports, by the superior valour and discipline of the British navy.

Such attempts on the part of the enemy giving to his majesty an unquestionable right of retaliation, and warranting his majesty in enforcing the same prohibition of all commerce with France, which that power vainly hopes to effect against the commerce of his majesty's subjects, a prohibition which the superiority of his majesty's naval forces might enable him to support, by actually investing the

ports and coasts of the enemy with numerous squadrons and cruisers, so as to make the entrance or approach thereto manifestly dangerous.

His majesty, though unwilling to follow the example of his enemies by proceeding to an extremity so distressing to all nations not engaged in the war, and carrying on their accustomed trade; yet feels himself bound by a due regard to the just defence of the rights and interests of his people, not to suffer such measures to be taken by the enemy, without taking some steps on his part to restrain this violence, and to retort upon them the evils of their own injustice. Mr. Munroe is therefore requested to apprise the American consuls and merchants residing in England, that his majesty has therefore judged it expedient to order, that no vessel shall be permitted to trade from one port to another, both which ports shall belong to, or be in possession of France or her allies, or shall be so far under their controul, as British vessels may not freely trade thereat: and that the commanders of his majesty's ships of war and privateers have been instructed to warn every neutral vessel, coming from any such port, and destined to another such port, to discontinue her voyage, and not to proceed to any such port; and every vessel after being so warned, or any vessel coming from any such port, after a reasonable time shall have been afforded for receiving information of this his majesty's order, which shall be found proceeding to another such port, shall be captured and brought in, and, together with her cargo, shall be condemned as lawful prize; and that, from this time, all the measures authorized by the law of nations, and the respective treaties between his majesty and the different neutral powers, will be adopted and executed with respect to vessels attempting to violate the said order after this notice.

HOWICK.

January 10, 1807.

Soon after this a new ministry was formed, with vigour for their motto; who chose to signalize their administration with the following additional orders of the 16th and 25th November, 1807:

At the Court at the Queen's Palace, the 11th of November, 1807, present the King's most excellent Majesty in council.

Whereas certain orders, establishing an unprecedented system of warfare against this kingdom, and aimed especially at the destruction of its commerce and resources, were, some time since, issued by the government of France, by which "the British islands were declared "to be in a state of blockade," thereby subjecting to capture and condemnation all vessels, with their cargoes, which should continue to trade with his majesty's dominions:

And whereas, by the same order, "all trading in English merchandize is prohibited, and every article of merchandize belonging to England, or coming from her colonies, or of her manufacture, is declared lawful prize:"

And whereas the nations in alliance with France, and under her controul, were required to give, and have given, and do give, effect to such orders:

And whereas his majesty's order of the 7th of January last has not answered the desired purpose, either of compelling the enemy to recall those orders, or of inducing neutral nations to interpose, with effect, to obtain their revocation, but, on the contrary, the same have been recently enforced with increased rigour:

And whereas his majesty, under these circumstances, finds himself compelled to take further measures for asserting and vindicating his just rights, and for supporting that maritime power which the exertions and valour of his people have, under the blessing of Providence, enabled him to establish and maintain; and the maintenance of which is not more essential to the safety and prosperity of his majesty's dominions than it is to the protection of such states as still retain their independence, and to the general intercourse and happiness of mankind:

His majesty is therefore pleased, by and with the advice of his privy council, to order, and it is hereby ordered, that all the ports and places of France and her allies, or of any other country at war with his majesty, and all other ports or places in Europe, from which, although not at war with his majesty, the British flag is excluded, and all ports or places in the colonies belonging to his majesty's enemies, shall, from henceforth, be subject to the same restrictions in point of trade and navigation, with the exceptions hereinafter mentioned, as if the same were actually blockaded by his majesty's naval

forces, in the most strict and rigorous manner: and it is hereby further ordered and declared, that all trade in articles which are of the produce or manufacture of the said countries or colonies shall be deemed and considered to be unlawful; and that every vessel trading from or to the said countries or colonies, together with all goods and merchandize on board, and all articles of the produce or manufacture of the said countries or colonies, shall be captured, and condemned as prize to the captors.

But although his majesty would be fully justified, by the circumstances and considerations above recited, in establishing such system of restrictions with respect to all the countries and colonies of his enemies, without exception or qualification; yet his majesty, being nevertheless desirous not to subject neutrals to any greater inconvenience than is absolutely inseparable from the carrying into effect his majesty's just determination to counteract the designs of his enemies, and to retort upon his enemies themselves the consequences of their own violence and injustice; and being yet willing to hope that it may be possible (consistently with that object) still to allow to neutrals the opportunity of furnishing themselves with colonial produce for their own consumption and supply; and even to leave open, for the present, such trade with his majesty's enemies as shall be carried on directly with the ports of his majesty's dominions, or of his allies, in the manner hereinafter mentioned:

His majesty is therefore pleased further to order, and it is hereby ordered, that nothing herein contained shall extend to subject to capture or condemnation any vessel, or the cargo of any vessel, belonging to any country not declared by this order to be subjected to the restrictions incident to a state of blockade, which shall have cleared out with such cargo from some port or place of the country to which she belongs, either in Europe or America, or from some free port in his majesty's colonies, under circumstances in which such trade from such free ports is permitted, direct to some port or place in the colonies of his majesty's enemies, or from those colonies direct to the country to which such vessel belongs or to some free port in his majesty's colonies, in such cases, and with such articles, as it may be lawful to import into such free port; nor to any vessel, or the cargo of any vessel, belonging to any country not at war with his majesty, which shall have cleared out under such regulations as his majesty may think fit to prescribe, and shall be proceeding direct

from some port or place in this kingdom, or from Gibraltar to Malta, or from any port belonging to his majesty's allies, to the port specified in her clearance ; nor to any vessel, or the cargo of any vessel, belonging to any country not at war with his majesty, which shall be coming from any port or place in Europe which is declared by this order to be subject to the restrictions incident to a state of blockade, destined to some port or place in Europe belonging to his majesty, and which shall be on her voyage direct thereto ; but these exceptions are not to be understood as exempting from capture or confiscation any vessel or goods which shall be liable thereto in respect of having entered or departed from any port or place actually blockaded by his majesty's squadrons or ships of war, or from being enemies' property, or for any other cause than the contravention of this present order.

And the commanders of his majesty's ships of war and privateers, and other vessels acting under his majesty's commission, shall be, and are hereby, instructed to warn every vessel which shall have commenced her voyage prior to any notice of this order, and shall be destined to any port of France, or of her allies, or of any other country at war with his majesty, or to any port or place from which the British flag as aforesaid is excluded, or to any colony belonging to his majesty's enemies, and which shall not have cleared out as is herein before allowed, to discontinue her voyage, and to proceed to some port or place in this kingdom, or to Gibraltar or Malta ; and any vessel which, after having been so warned, or after a reasonable time shall have been afforded for the arrival of information of this his majesty's order at any port or place from which she sailed, or which, after having notice of this order, shall be found in the prosecution of any voyage contrary to the restrictions contained in this order, shall be captured, and, together with her cargo, condemned as lawful prize to the captors :

And whereas countries, not engaged in the war, have acquiesced in these orders of France, prohibiting all trade in any articles the produce or manufacture of his majesty's dominions ; and the merchants of those countries have given countenance and effect to those prohibitions, by accepting from persons styling themselves commercial agents of the enemy, resident at neutral ports, certain documents, termed "certificates of origin," being certificates obtained at the ports of shipment, declaring that the articles of the cargo are not of

the produce or manufacture of his majesty's dominions, or to that effect:

And whereas this expedient has been directed by France, and submitted to by such merchants, as part of the new system of warfare directed against the trade of this kingdom, and as the most effectual instrument of accomplishing the same, and it is therefore essentially necessary to resist it;

His majesty is therefore pleased, by and with the advice of his privy council, to order, and it is hereby ordered, that if any vessel, after reasonable time shall have been afforded for receiving notice of this his majesty's order at the port or place from which such vessel shall have cleared out, shall be found carrying any such certificate or document as aforesaid, or any document referring to, or authenticating the same, such vessel shall be adjudged lawful prize to the captor, together with the goods laden therein, belonging to the person or persons by whom, or on whose behalf, any such document was put on board.

And the right honourable the lords commissioners of his majesty's treasury, his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the judges of the high court of admiralty and courts of vice-admiralty, are to take the necessary measures herein, as to them shall respectively appertain.

W. FAWKENER.

At the Court at the Queen's Palace, the 11th of November, 1807, present the King's most excellent Majesty in council.

Whereas articles of the growth and manufacture of foreign countries cannot by law be imported into this country, except in British ships, or in ships belonging to the countries of which such articles are the growth and manufacture, without an order in council specially authorizing the same:

His majesty, taking into consideration the order of this day's date, respecting the trade to be carried on to and from the ports of the enemy, and deeming it expedient that any vessel belonging to any country in alliance, or at amity with his majesty, may be permitted to import into this country articles of the produce or manufacture of countries at war with his majesty:

His majesty, by and with the advice of his privy council, is therefore pleased to order, and it is hereby ordered, that all goods, wares, or

merchandizes, specified and included in the schedule of an act, passed in the forty-third year of his present majesty's reign, intituled " An act to " repeal the duties of customs payable in Great Britain, and to grant other " duties in lieu thereof," may be imported from any port or place belonging to any state not at amity with his majesty, in ships belonging to any state at amity with his majesty, subject to the payment of such duties, and liable to such drawbacks as are now established by law upon the importation of the said goods, wares, or merchandize, in ships navigated according to law; and with respect to such of the said goods, wares, or merchandize, as are authorized to be warehoused under the provisions of an act, passed in the forty-third year of his present majesty's reign, intituled " An act for permitting certain goods imported " into Great Britain to be secured in warehouses without payment of " duty," subject to all the regulations of the said last mentioned act; and with respect to all articles which are prohibited by law from being imported into this country, it is ordered, that the same shall be reported for exportation to any country in amity or alliance with his majesty.

And his majesty is further pleased, by and with the advice of his privy council, to order, and it is hereby ordered, that all vessels which shall arrive at any port of the united kingdom, or at the port of Gibraltar or Malta, in consequence of having been warned pursuant to the aforesaid order, or in consequence of receiving information in any other manner, of the said order, subsequent to their having taken on board any part of their cargoes, whether previous or subsequent to their sailing, shall be permitted to report their cargoes for exportation, and shall be allowed to proceed upon their voyages to their original ports of destination, (if not unlawful before the issuing of the said order), or to any port at amity with his majesty, upon receiving a certificate from the collector or comptroller of the customs at the port at which they shall so enter (which certificate the said collectors and comptrollers of the customs are hereby authorized and required to give), setting forth that such vessels came into such port in consequence of being so warned, or of receiving such information as aforesaid; and that they were permitted to sail from such port under the regulations which his majesty has been pleased to establish in respect to such vessels. But in case any vessel so arriving shall prefer to import her cargo, then such vessel shall be allowed to enter and import the same, upon such terms and conditions as the said cargo might have been im-

ported upon, according to law, in case the said vessel had sailed after having received notice of the said order, and in conformity thereto.

And it is further ordered, that all vessels which shall arrive at any port of the united kingdom, or at Gibraltar or Malta, in conformity and obedience to the said order, shall be allowed, in respect to all articles which may be on board the same, except sugar, coffee, wine, brandy, snuff, and tobacco, to clear out to any port whatever, to be specified in such clearance ; and, with respect to the last mentioned articles, to export the same to such ports, and under such conditions and regulations only, as his majesty, by any licence to be granted for that purpose, may direct.

And the right honourable the lords commissioners of his majesty's treasury, his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the judges of the high court of admiralty and courts of vice-admiralty, are to take the necessary measures herein as to them shall respectively appertain.

W. FAWKENER.

At the Court at the Queen's Palace, the 11th of November, 1807, present the King's most excellent Majesty in council.

Whereas the sale of ships by a belligerent to a neutral is considered by France to be illegal :

And whereas a great part of the shipping of France and her allies has been protected from capture during the present hostilities by transfers, or pretended transfers, to neutrals :

And whereas it is fully justifiable to adopt the same rule, in this respect, towards the enemy, which is applied by the enemy to this country :

His majesty is pleased, by and with the advice of his privy council, to order, and it is hereby ordered, that in future the sale to a neutral of any vessel belonging to his majesty's enemies shall not be deemed to be legal, nor in any manner to transfer the property, nor to alter the character of such vessel : and all vessels now belonging, or which shall hereafter belong to any enemy of his majesty, notwithstanding any sale or pretended sale to a neutral, after a reasonable time shall have elapsed for receiving information of this his majesty's order at the place where such sale, or pretended sale, was effected, shall be cap-

tured and brought in, and shall be adjudged as lawful prize to the captors.

And the right honourable the lords commissioners of his majesty's treasury, his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the judges of the high court of admiralty and courts of vice-admiralty, are to take the necessary measures herein as to them shall respectively appertain.

W. FAWKENER.

At the Court at the Queen's Palace, the 25th of November, 1807, present the King's most excellent Majesty in council.

Whereas it has been represented, that it would be expedient to fix certain periods at which it shall be deemed that a reasonable time shall have elapsed for receiving information at different places of his majesty's order in council of the 11th of November, instant, respecting the trade with his majesty's enemies, and in their produce and manufactures; his majesty, taking the same into consideration, and being desirous to obviate any difficulties that may arise in respect thereto, and also to allow time for the said order being known to all persons who may be affected thereby, is pleased, by and with the advice of his privy council, to order and declare, and it is hereby ordered and declared, that information of the said order of the 11th of November, instant, shall be taken and held to have been received in the places hereinafter mentioned, at the periods respectively assigned to them; namely,

Ports and places within the Baltic, December 21, 1807.

Other ports and places to the northward of Amsterdam, December 11, 1807.

From Amsterdam to Ushant, December 4.

From Ushant to Cape Finisterre, December 3.

From Cape Finisterre to Gibraltar, inclusive, December 18.

Madeira, December 10.

Ports and places within the straits of Gibraltar, to Sicily and Malta, and the west coast of Italy, inclusive, January 1, 1808.

All other ports and places in the Mediterranean beyond Sicily and Malta, January 20.

Ports and places beyond the Dardanelles, February 1.

Any part of the north and western coast of Africa, or the islands adjacent, except Madeira, January 11.

The United States, and British possessions in North America, and the West Indies, January 20.

Cape of Good Hope, and east coast of South America, March 1. India, May 1.

China and the coast of South-America, June 1.

And every vessel sailing on or after those days, from those places respectively, shall be deemed and taken to have received notice of the aforesaid order: and it is further ordered, that if any vessel shall sail within twenty days after the periods above assigned respectively, from any of the said places, in contravention of the said order of the 11th of November, instant, and shall be detained as a prize on account thereof, or shall arrive at any port in this kingdom, destined to some port or place within the restriction of the said order, and proof shall be made to the satisfaction of the court of admiralty in which such vessel shall be proceeded against, in case the same shall be brought in as a prize, that the loading of the said vessel had commenced before the said periods, and before information of the said order had actually been received at the port of shipment, the said vessel, together with the goods so laden, shall be restored to the owner or owners thereof, and shall be permitted to proceed on her voyage in such manner as if such vessel had sailed before the day so specified as aforesaid: and it is further ordered, that no proof shall be admitted, or be gone into, for the purpose of showing that information of the said order of the 11th of November, instant, had not been received at the said places respectively, at the several periods before assigned.

W. FAWKENER.

Here the cloven foot of old England is thrust forth in its native ugliness. The previous orders of that country, and her whole line of conduct toward this country, as we have seen, aim at restricting American commerce to British channels; in plain English, to colonize our trade. These orders, in terms, proclaim that determination, now no longer disguised under rules of 1756, blockades, and continuity. These orders are not at all levelled, in effect, at France, but at the

United States, the only remaining neutral. Instead of the several reasons stated in the preamble, no one of which is sustained by the semblance of truth, it would have been more germane to the matter, after the 'furious vituperation' of the exordium, to have added 'Rule Britannia,' which would have been a more manly and intelligible annunciation, and one, too, more agreeable to Englishmen, than those convoluted and pernicious orders. They are not only destructive of commercial, but of social intercourse. Nothing remains but that the English should poison their arms, and slay their prisoners, to complete their re-appearance in a state of natural and unbridled barbarity. Their instructions to seize all vessels fortified with certificates of origin, are manifestly indefensible on first principles; for any nation has a right to direct the muniments which vessels of other nations shall have on board, in order to an entry into their ports; and they are manifestly absurd as a measure of retaliation now, because the same certificates of origin have been required ever since 1800. Their proclamation blockade of all ports and places, as if they were actually blockaded, is nothing more than an unvarnished overt repetition of the orders under which their cruisers have acted for many years past. We have seen, fully, how flat and stale is their pretence of general retaliation. If further proof of the disgraceful falsehood of this pretence were wanting, the correspondence between Mr. Pinkney and the sarcastic secretary, last summer, furnishes more than should be borne. It there appears that an offer (by which, I think, our government surrendered their true ground) to withdraw the embargo, with regard to England, on condi-

tion that the orders in council should be rescinded as to the United States, was not only rejected, but repelled with sarcasm, disdain, and the most dastardly elation. The successes of Spain, just at that moment, inspired the ministry with a confidence, which certainly did not embolden their resolves, when they permitted American ships and cargoes, to the amount of twenty or thirty millions, to glide unmolested into port, after the enactment of the embargo laws. But the anti-jacobin Mr. Canning could not forbear indulging, in his communication with our ambassador, that indecent condescension which marks all, even the least offensive, proceedings of England toward this country. Since the peace of Amiens, there have been six changes of British ministry: each flight ambitious of overthrowing all its predecessors had effected in war, finance, and foreign relations; no two of them according in any one measure, but that of the hardest and most ignorant disposition toward the United States. The antipathies of the king to his catholic subjects, by an unexpected rebound, suddenly levered the present incumbents into power. Perhaps a more striking example was never afforded, in the annals of any people, of so saturnine an instability in a great nation's councils, as that we perceive in the contrasat between the depression and humility of the actual ministers, while they were deliberating on the imposition of these accursed orders, and their ridiculous, and shadowy, and impertinent elevation, on account of the French discomfiture in Spain.

In these British orders, we have the first operation of that belligerent besom, which sweeps all neutrals from the ocean. The Berlin decree did not, in any

way, annoy American trade. It was not till England retaliated, as she terms her aggression, that our rights were crushed in the conflict.

Those English orders of November, as might be expected, were speedily followed up by the Milan decree, issued by the emperor of France on the 17th December, 1807.

Napoleon, by the grace of God, and by the constitution, emperor of the French, king of Italy, and protector of the confederation of the Rhine,

Considering the dispositions decreed by the British government, dated the 14th of November last past, which subject the vessels of friendly neutral nations, and also the allies of England, not only to the visit of English cruisers, but even to a particular station in England, and to an arbitrary imposition of a certain per centum on their cargoes, to be established by the English legislature :

Considering that, by this act, the English government hath deprived of their distinctive national quality (denazionalizzato) the vessels of all the nations of Europe ; that it is not in the power of any government to suffer an infringement of its independence and rights, all the sovereigns of Europe being conjointly guarantees of the sovereignty and independence of their flags ; that if by an inexcusable weakness, which would be an indelible stain in the eyes of posterity, such tyranny were permitted to become a principle and consecrated by use, the English would from thence deduce a claim to establish it into a right, as they have already profited by the toleration of governments to establish the infamous principle, that the flag does not cover merchandize, and to give to their right of blockade an extension arbitrary and derogatory to the sovereignty of every state : we have decreed, and do decree as follows :

Art. I. Every vessel, to whatsoever nation it may belong, which shall have suffered the visit of an English vessel, or shall have submitted to a voyage to England, or shall have paid any duty whatever to the English government, is, for that reason alone, declared to be deprived of her distinctive national quality, has lost the guarantee of her flag, and has become English property.

II. The above-mentioned vessels, thus deprived of their national distinction by the arbitrary measures of the English government, are declared to be good and lawful prizes, as well in case they enter our ports, or those of our allies, as also in case they fall in the power of our vessels of war or privateers.

III. The British islands are declared to be in a state of blockade as well by sea as by land. Every vessel, of whatsoever nation or whatsoever be her cargo, coming from the ports of England or from English colonies, is a good prize, as contravening the present decree. They shall be captured by our vessels of war, or by our privateers, and shall be adjudged to the captors.

IV. These measures, which are but a just reciprocity for the barbarous system adopted by the English government, which assimilates its legislation to that of Algiers, shall cease to have their effect with respect to all those nations which may succeed in compelling the British government to respect their flag. They shall continue to be in force during all such time as this government shall fail to return to the principles of the right of war, which govern the relations of civilized nations in a state of war.

The dispositions of the present decree shall be abrogated, and null in fact, so soon as the English government shall have returned to those principles of the law of nations, which are equally the principles of justice and honour.

V. All the ministers are charged with the execution of the present decree, which shall be published, and inserted in the bulletin of the laws.

Given from our royal palace of Milan, the 17th day of December, 1807.

NAPOLEON.

By the emperor and king,
The minister secretary of state,

A. ALDINI.

While the preamble to the British orders puts them on the footing of ' supporting that maritime power, which the exertions of the British nation have established, and the maintenance of which is essential to the safety and prosperity of his majesty's dominions,'

the preamble to this Milan decree asserts the right of free ships to make free goods, and the limitation of blockades; and the fourth section pledges the French government to abrogate these orders in favour of all nations who shall compel the British to respect their flag. What they state, moreover, as to all commerce being denationalized by the English orders, is perfectly true; for no ship, American or other, can possess a distinct national characteristic or destination, if she first proceed to England, and thence take a fresh departure for any other part of the world.

Thus, I trust, it is made apparent to all Americans, that England has been the alpha and the omega of our present embarrassments.

III. The wrongs American commerce sustains from belligerent pretensions have long been evident. The difficulty is, without war, to resist and prevent their effects. Commercial treaties may partially correct the abuses of the rights of search and blockade, and perhaps even of impressment. But it will here be attempted to be shown, that unless countervailing duties, and, as to some articles, non-importation laws be auxiliary to commercial treaties, and that their united efforts be directed toward diminishing American intercourse with England, and increasing it with other countries, no precautions will avail to repress the restless evasions of British commercial cupidity and jealousies; and that we shall at last be obliged to put upon the chances of war those rights and that prosperity, which we have it in our power completely to secure, by a fair course of neutral and pacific policy.

If the resolutions offered by Mr. Madison to the House of Representatives, on the 4th of January, 1794,

had become a law, I think it is demonstrable that the storms which then threatened, and have so often since disturbed the neutrality of the United States, would have been prevented. These resolutions are understood to have been presented in furtherance of the measures recommended by Mr. Jefferson, then secretary of state, in a report made by him, at the commencement of the session of congress, pursuant to a resolution, passed two years before, requiring him 'to report the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with foreign nations, and the measures which he should think proper to be adopted for the improvement of the commerce and navigation of the same.' This report represented the trade of this country as labouring under restrictions imposed by all the European nations, and inhibitions by some in particular articles. The exports of domestic produce and manufactures and the imports were nearly equivalent, being about twenty millions each, with an inconsiderable balance against the former. The following was their distribution :

<i>Exports to</i>		<i>Imports from</i>	
Spain	2,000,000	Spain	235,000
Portugal	1,280,000	Portugal	595,000
France	4,700,000	France	2,000,000
Great Britain	9,300,000	Great Britain	15,300,000
Un. Netherlands	1,960,000	Un. Netherlands	1,172,000

In 1805, the American tonnage exceeded one million two hundred thousand, having quadrupled in twelve years. The exports of domestic produce and manufactures exceeded forty-two millions, having more

than doubled in twelve years; and the exports of foreign growth and manufacture exceeded sixty millions.

While but thirteen millions have been added to our exports to Great Britain and her dependencies, with all the advantages which the British treaty and their maritime supremacy afforded, our exports to other countries, notwithstanding corresponding embarrassments, proceeding from the same causes, have increased in a much greater proportion. Thus, of one hundred millions exported during one year prior to the 1st of October, 1806,

To England	23,000,000	Increase since 1793,	13,000,000
Holland	20,000,000	do.	18,000,000
France	18,000,000	do.	14,000,000
Spain	15,000,000	do.	13,000,000
Portugal	2,500,000	do.	1,000,000

To which are to be added exports to nations, which at the time of that report we had not:-

To Denmark & Norway	4,250,000	Increase since 1793	4,250,000
Italy	5,000,000	do.	5,000,000
Africa	1,115,000	do.	1,115,000
Hamburg and Bremen, to be added to			
Holland	6,424,000	do.	6,424,000
Russia	12,000	do.	12,000
Prussia	168,000	do.	168,000
Sweden	357,000	do.	357,000
Trieste, &c.	675,000	do.	675,000
Turkey, Levant and Egypt		do.	293,000
Morocco and Barbary states		do.	82,000
South Seas		do.	143,000
North-west coast of America		do.	258,000

The increase on our exports to England, in twelve years, has been thirteen millions on nine millions; and the increase on our exports to other parts of the world has been, at the smallest allowance, sixty-five millions on nine millions, in the same time, giving a balance against England of fifty-two millions. Our trade with England in this period has been forced, by her naval successes, to an amount far exceeding its proper level. Our trade with the continent of Europe, with many parts of Asia, and Africa, has been depressed proportionably. Notwithstanding this great disadvantage, the inconsiderable territories in the vicinity of the North Sea take full three millions a year more of our exports than all the British dominions. Amsterdam, Hamburg, Bremen, Antwerp, and other towns in the north of Europe, with which, in 1793, we had no intercourse, now employ twenty-six millions annually of our exportation.

The imports of the United States are said to be about seventy-five millions. Of this sum, twenty-seven millions are received from the British islands in manufactured goods, and about thirty-five millions from the British islands, together with their East and West India and American possessions. In 1793, our imports were about twenty millions altogether, and exceeded, but inconsiderably, our exports. Thus, while our exports to Great Britain have increased but thirteen millions, our imports from Great Britain have increased nearly twenty millions. In 1793, our imports from France, Spain, Portugal, and the Netherlands were about four millions, and our exports to these countries about ten millions. Our imports now from Holland, France, Spain, Italy, the northern

powers, Prussia, and Germany, are about thirty-two millions. Thus, though Italy, Holland, the northern powers, Prussia, and Germany are added to the account, while our imports from those countries have increased twenty-nine millions, our exports to them have increased upwards of sixty millions. While, therefore, the balance, as between us and England, is seven millions against us, the balance, as between us and the continent, is twenty-eight millions in our favour. Excepting with England and the British East India possessions, the balance is every where in our favour; which circumstance may serve to explain (what Mr. Baring seems at a loss for) how it is that though, upon the whole, the balance has been against us, we have nevertheless accumulated capital at an unexampled progress. It is remarkable, that, in twelve years, a balance of fifteen millions should grow against us, though, during all that time, the balance has been in our favour with every country except England. How can this be accounted for, without placing the whole of that balance against us to England's account?

Of the twenty millions that go to the British dominions, a very small proportion is for their home consumption. When re-exported, in whatever shape, they receive the additional profit, not the Americans. England never wants, and cannot take a large quantity of our produce but for re-exportation. The continent of Europe always wants a very large quantity, which, in fair traffic, may be increased to an immense amount. All that I shall endeavour to show is, that, as the British treaty gave an unnatural inclination to American commerce, and the British navy has continued to blockade all its richest avenues, it is the interest of the United States, not by

force, but commercial regulations, to recover their commerce to its natural course, and to throw open those avenues. By such means our trade will vastly exceed its present amount, and at the same time remove the alleged motives to British vexations and restrictions.

What our commerce would have been, if, instead of looking to England, as we have hitherto, for the great mart and emporium of both traffic and credit, we had directed our resources and enterprize to the vast field which the continent of Europe and its dependencies has presented for the last twelve years, in preference to English markets, it is not difficult to conceive, though impossible to calculate. If our exports, including staple and carrying trade, exceed one hundred millions, and England and her dependencies cannot, with all their forcing, employ a fourth of that amount, it would seem to follow, that a greater attention to the former, to the prejudice of the latter, would have ensured us more emolument than a greater attention to the latter, which we have bestowed, much to the neglect and prejudice of the former. Where the augmentation has been double in the one case, it should be at least quadruple in the other. It is both pernicious and fallacious reasoning, which we are too apt in this country to catch from England, that, as our advancement has been very great, we should be satisfied with it, and not even complain of the many impositions under which we have proceeded. The present crisis should give us a lesson on that subject. We must now do abruptly what might have been done imperceptibly. The commerce of North America is jeopardized by our patience under British wrongs, and unless the government, by countervailing duties, commercial treaties, non-importation acts, bounties, or whatever means the wisdom

of the national councils may devise, interfere to correct the present tendencies of our trade, and to encourage its flowing in channels and from fountains less tainted with jealousies and monopolies than those through which we communicate with England, we may reconcile ourselves to what the English call its legitimate, that is, its colonial currents, to which they wish to drive it back.

Mr. chief-justice Marshall, in his Life of General Washington, says, it is more than probable, 'that, about the time of Mr. Jefferson's report, the measures taken by the British cabinet contemplated a war between the two countries.' The operation of the federal constitution, under president Washington, and the able ministers he associated with his counsels, upon the natural advantages of the United States, was then beginning to produce those golden fruits, which freedom and neutrality have since matured into harvests unrivalled in bounty and blessing. England naturally felt herself rebuked in the individual enterprize, the public vigour and dignity, and the general growing prosperity of these states. Heretofore their population had been harassed and abated by the wars undertaken for the mother country, to which these colonies furnished considerable quotas at their own charge. Their resources had been discouraged by absurd colonial regulations England, in common with other European mother countries, presumed to impose on their trans-atlantic possessions. Their traffic was confined directly to the market, and indirectly to the shipping of England. Their native sagacity and industry were thwarted and mortified by all the petty exactions, which needy and ignorant governors and proprietaries, sent from abroad without any one qualification for command, could devise to swell their rent-rolls, and replenish their purses. The

termination of the American revolution in the independence of this country was an event England never contemplated, and which now must be a painful retrospect to all those Englishmen, who are old enough to recollect us as colonies. After the peace of 1783, even Americans doubted their ability to stand alone, and England anxiously expected the double gratification which her power and her vengeance must experience, on the United States, after an abortive effort, imploring British aid. What actually happened was least expected; and the loss of the most valuable colonies in the world was embittered by the sudden and prodigious strides which those colonies, when acknowledged independent, were perceived and felt to be making toward a competition with England on her own element. It is not, therefore, to be wondered at, that, in 1793, and particularly after the French revolution had added fresh poignancy to these feelings, no disposition towards amity and the permanent adjustment of pretensions and complaints was entertained at the court of London. Posts, peltries, and confiscations were then the subjects of dispute, till the orders in council of November, 1793, which were the *avant couriers* to all their subsequent orders for search, blockade, and impressment, superseded minor considerations. Though Mr. Hammond was dispatched to reside here as ambassador, his credentials were limited, and he admitted, early in his correspondence with Mr. Jefferson, that, though he was empowered to discuss, he had no authority to ratify any pacific policy. The American government was aware of this indisposition to final arrangements on the part of England, and the American people were even clamorous in their demonstrations of a similar disinclination on their part. Under such circumstances,

it is more than probable the course of events would have been such as I shall endeavour to show it must now be, had not the intemperate language and unwarrantable acts of the French ambassador thrown an obstacle in the way of intercourse with France, which, together with the unsettled state of things in that country, rendered it indiscriminate and dangerous to communicate with them through their representative; and thus, by the unexpected intervention of the British treaty, cast us into the arms of England. The proclamation issued on the 22d of April indicated an inexorable neutrality, as that system which the interests of this country imperiously require.

Mr. Madison's resolutions were calculated to obviate the necessity of sending a treaty to England. To offer to all nations to treat with them on an equal footing, and to draw nearer to such as evinced a disposition to a more intimate and profitable relation, was as fair a mode as could be devised for ascertaining the tempers and the wishes, the superfluities and the necessities, of all foreign countries; and one perfectly consistent with that neutrality, which was declared to be so dear and so essential to the interests of America. It could not matter to foreigners, whether this project went into operation by commercial treaties, countervailing duties, or bounties. Most œconomical writers condemn commercial treaties: but Mr. Jefferson, in his report, gave a decided opinion in their favour, in preference to 'piles of regulating laws, duties, and prohibitions.' It is not of much consequence to decide now which of these would have been the preferable system, since the adoption of either was prevented by the unexpected nomination, on the 16th of April, of the chief-justice, Mr. Jay, as envoy extraordinary to his Britannic majesty. Mr. Pinckney was then residing in

London as minister plenipotentiary ; and from the president's message to the senate, accompanying Mr. Jay's nomination, it would seem that he was sent, not because the aspect of our relations had suddenly become pacific, but because it had grown more than ever untoward and hostile, and some decisive step like this was deemed necessary, lest it should be totally averted in a war. The treaty Mr. Jay signed having expired by its own limitation, and that lately sent over by Messrs. Pinkney and Monroe having been rejected by president Jefferson, for containing an article to which, I trust, the spirit of America will never submit, it now remains for the people, by their representatives, to project, and, with the aid of such foreign powers as are well disposed toward this country, to execute, such measures as shall be deemed most conducive to the peace, commerce, and prosperity of the United States."

Whether the British treaty was, in itself, beneficial, as placing our intercourse with the British dominions on the most favourable footing, it is now needless to inquire. But that it has been greatly injurious by prohibiting the enactment of Mr. Madison's resolutions, and giving, what Gen. Washington and his administration never designed, an undue inclination to England, the countless infractions of what used to be called the law of nations, the gigantic extension of the pretended rights of belligerents, and the co-extensive pressure on the heretofore acknowledged rights of neutrals, the disputes, recriminations, and diplomatic skirmishes, and finally the demi-warlike attitudes, which have marked progressively the intercourse between England and the United States, from the period of their proposal down to the present, all painfully prove. For all these evils, which have been every day

accumulating, we may look to the same source, the unnatural preponderancy of the English marine, to which our trade has constantly been adding force and encouragement ; and to which, if not peaceably regulated into proper bounds, our trade will, one time or other, furnish thousands of rich, defenceless, and unwary victims.

As the enactment of those resolutions into a law, at the time of their preferment, would have turned aside, without violence, the then impending molestations, and a steady adherence since to their policy have conducted and fortified the commerce of America in permanently pacific and profitable channels, so it is not only the best, but, under actual circumstances, perhaps the only interest of this country, at this time, to create, either by laws or treaties, a commercial intercourse modelled upon those resolutions, but extending so far beyond their contemplation as the existing balance of power in Europe requires. A contrast of American trade with England and her possessions, against American trade with all other countries, will show that a large portion which is now engrossed by English markets may be immediately, advantageously, and durably directed into other channels: England is at all times commercially, and at this moment politically at variance with the rest of the civilized world ; and in that view I shall pursue the inquiry.

Certain first principles are to be taken for granted :

1. That neutrality is the policy of America, to the avoidance of all wars, and foreign attachments and alliances, other than commercial.
2. That the law of nations, as understood before the enforcement of what the English term the rule of 1756, is the only international system to which we are bound.
3. That the restriction of the British marine to the exercise of its powers, in confor-

mity to that law of nations, is a point America should strive to attain by all honourable and lawful means. 4. That any arrangements she can make with other nations, or any laws her own government may enact, tending to divert American trade from British to other markets, and thus, by directly diminishing the resources, indirectly diminishing the power of the British navy, are lawful and honourable means ; and such as the government of Great Britain have no right to take umbrage at, or to endeavour to prevent, otherwise than by relaxing their pretensions, and holding out superior inducements.

Countervailing duties, restrictions in the shape of high imposts on one branch of trade, or trade with one nation, and encouragements in the shape of lower duties or bounties on other branches, or trade with other nations, are mere revenue laws, with which foreign powers have no concern. It is the right of any nation to distribute them as they think proper, without regard to the disadvantages they may impose on some of their neighbours, or the benefits they may dispense to others. Their object is the good of the nation creating them. Other nations have no right to complain of them, or to endeavour to counteract or frustrate their operation, but by corresponding impositions of a similar kind. They cannot afford cause for just war.

No nation pays less respect to the revenue laws of others than the English. Their judges do not hesitate to decide, that there is no moral, much less political obligation on their subjects to abstain from evading such laws : a contract of insurance, or, I presume, of affreightment, by Englishmen, on a voyage for smuggling contraband into or from France, will be sustained in English courts of justice. The British treaty itself, which, in its origi-

nal shape, prohibited Americans trading with the British West Indies in vessels exceeding a small tonnage, is a further corroboration; and the late proclamation respecting seamen and merchandize, which in terms invited an evasion of the embargo laws, furnishes a more flagrant instance of the utter disregard with which they treat such regulations.

The right of congress to enact such laws will not be disputed; nor will it that foreign powers have no right to intermeddle with them: the only question is as to their expediency. The English, and many in this country, suppose, that the hostilities which opened in 1793; and, except a short interval of peace, which England put an end to, have continued unabated ever since, gave the United States opportunities they never would have had during peace, or less general war. Be that as it may, such has been the progress of the contest, as to withdraw one after another of England's allies at its commencement, and to array them all in a general confederacy against her. The terrible pressure of such an opposition has forced her upon measures most unjust and injurious to our trade. The question is, how are we to be relieved? In discussing this question I shall dismiss, unhesitatingly, all the attributes the English claim for themselves, in preference to other people, of superior honesty, punctuality, and sagacity. There are in this country many well-meaning, and even well-informed men, who not only believe English faith, English wealth, and English commercial, nautical, and mechanical dexterity to exceed those of all other people, but who carry their prejudices on this point so far, as to deny these qualifications to the rest of mankind, not excepting their own countrymen, the Americans. This prepossession is a consequence of

of our common descent and late union, and the unity, commercial, oral, literary, scientific, and mechanical, which pervades the lives of Americans and Englishmen, which assimilates their manners, habits, and customs; which, in spite of the fundamental repugnancy of their political principles, approximates their political institutions, and which, in every department of existence but that of commerce, in which they are and ever must be natural rivals, approaches them so near to each other.

The press, in England, being not only free but licentious, and being, in the other countries of Europe, under rigid restraints, there are in the former a great number of newspapers proportioned to their population, and in the latter very few. Receiving, consequently, as we do, a dozen of English gazettes for one from the continent, and each of that dozen vying with its competitors in the variety of its novelty, conjectures, essays, and sentiment, and agreeing in no one particular but their fury against France; and the one gazette received from the continent containing but a few meagre details of mere events, with scarce an animadversion of any kind, the daily transfusion of the matter of these gazettes into ours, without discrimination, leaves a balance of bias in favour of the English that is scarcely conceivable; for it is the misfortune, commercial, political, and literary, of this country, that public opinion is very much formed by newspapers, which forestal and garble information from authentic sources, and will, it is to be feared, become, at last, the American encyclopedia. The American drama is made up of English scenes and English actors; and most other public spectacles are of the same character. As colonists till lately, we have not forgotten to look up with habitual deference to the mother country.

All these, with other minute causes, concur to create a prejudice, which encrusts the affections of some Americans to such a degree, that they declare, at all events, for the English against the rest of the world, and, in some instances, against their own country. This disposition might have been improved by England to an irrevocable political association. But they have done all in their power to alienate us. Notwithstanding this, and though, in spite of our inclination, we have generally stood better with France, politically, than with England, so much of the natural antipathy which came to us with our descent still remains, that, while our newspapers do not refrain from the most unbounded applauses of the measures of England, a universal and inveterate suspicion prevails with regard to France ; and those who go furthest in support of a better acquaintance with her, stop many degrees short of the extent to which the other side push their declarations. These feelings I have no desire to disturb with epithets and invective such as are heaped with great illiberality upon the advocates of France, as they are denominated ; but against their effects I must be permitted to protest. The English, *cæteris paribus*, never have been, are not, and never will be more conspicuous in their honesty than other men. They have no natural, inherent, and hereditary or patent aptitude for the mechanic arts. Nor is their wealth so surpassing as we are taught to believe. Their manufactures are excellent, it is true ; but certainly, in many things, inferior to those of other countries. Their punctuality and attention to business is laudable ; but all other merchants are as attentive and punctual, when the English navy leaves them orders to execute. Their wealth is a diseased excrescence ; a wealth of credit, not of indigenous resource,

which a balance of exchange, equal to that their navy has forced into London, would furnish to any, the poorest community whatever. It is to their immense trade, protected by a stupendous and jealous armed marine, which, while it has covered, fostered, and assured the traffic of England, has invidiously and insidiously thwarted, jeopardized, or annihilated that of most other nations, and, by preventing their exports, paralyzed their manufactures, that the unexampled extension and great improvement of the manufactures of England are ascribable. My views of this subject, therefore, will be directed, not in search of the largest manufacturing towns, or the balance of trade, as the balance of exchange is called, that god of a London merchant's idolatry, and false thermometer of commercial capital, but for the staple and native production and resource ; supposing that, in a fair competition, manufactures will flourish more where the raw material abounds, than where it is not to be procured but by expensive importation ; and that a genius or natural superiority in the application of mechanism to raw materials, for the facture of wares and merchandize, is not exclusively the property of any one people in preference to another.

The ardour and devotion with which one class of our public papers and politicians range themselves on the side of England, with assurances, that, without her protection, we cannot be saved, without her manufactures comfortable, or without her institutions happy or wise ; and, on the other hand, the warmth with which these sentiments are opposed, with, as it is charged, a strong infusion of French attachment, is regarded by many as one of the most humiliating of American characteristics. But this sort of sensibility is perhaps unavoidable while the press

is free, and is by no means peculiar to this country. Among the nations of Europe, nothing is more common: even while at war, that portion of the community, nay, that section of the cabinet, with whom the contest is unpopular, and who are said to be attached to the cause of the enemy, is generally well known and avowed. But this species of foreign influence must have reached a deplorable degradation, if we are unable to consider any political subjects, as Americans, without taking in their consequences on one or other of the European rivals, whom we chance to prefer. Whatever sensibility may have been displayed by the opposite parties, when debating these topics, nearly all are substantially and fervently true to the true interests of their country, without regard to foreign nations. The publication of the correspondence of our envoys to France, in 1798, and the affair of the Chesapeake, in 1807, are proofs of a temper in the American people to stand forward at all times, when the honour or repose of the nation are at stake, and imitate party prepossessions and antipathies on the altar of patriotism. To those who carry their suspicions of our public virtue so far as to involve the first officers of government in the odious charge of a traitorous preference of the politics and alliance of France to those of the people they are appointed and sworn to administer faithfully, let me barely observe, that late transactions furnish an unanswerable refutation to such charges. If the present administration were, as is alleged, resolved, at all risks, on war with England, and a more decided connection with France, they had only to give vent to the popular inclination last year, and an alliance with France, offensive and defensive, would have formed itself. Government were obliged to conciliate and assuage the na-

tional resentment, after the attack on the Chesapeake, and all their address was requisite, not to foment troubles with England, and propitiate a closer union with France, but to prevent the people, almost without distinction of parties, or difference of opinion, from throwing themselves into the arms of France, and joining the confederacy of the world in the war against England. It was for the administration to manage the crisis with discretion; but no management was necessary to have plunged us into hostilities with England, if such had been their wish. Champagny's letter, on the retention of which so much clamour was raised, and on a casual expression of which so much more was added, when it was surrendered by the president to these clamours, affords no sustenance whatever to the accusation of French influence. . If it did, what must become of such charges, since the president's message at the commencement of the present congress, by which it appears that the naval power of England has been flattered with concessions withheld from the equal claims of France? But to return more immediately to my subject.

England, being the first commercial nation in the world, and at least her power and glory, if not her independence and existence, depending on the preservation and extension of her trade, and the United States being second in the race, with the means, if shown fair play, of outstripping, and bearing off the palm from her more powerful rival; and being, as is supposed, unequal to an offensive war with her, without any chance of success but in a *contest of commercial regulations*; and there existing moreover points of controversy that will not admit of any amicable adjustment, without compromitting, as it is said, the interests of the one or the other, it seems

to follow, as experience hitherto has proved, that maritime disputes between them will be incessant and inextinguishable. They are natural rivals; with every incentive of power, jealousy, and plunder on the part of the English, to hostilities; and with every inducement of wealth, security, and prosperity, on our part, to forbearance and neutrality. France, Spain, Italy, Holland, Russia, Austria, Portugal, and the Baltic powers, will each, if permitted by the English, hazard much in trade; and each one of these nations, except, perhaps, Holland, possesses more considerable and certain commercial means, than England. We have seen how our traffic with them has increased, notwithstanding English opposition. From their competition the United States have nothing to fear. Though the carrying trade, which their wars cast into American bottoms, has proved a source of great emolument, it is probable we should reap greater advantages from a direct exchange of commodities with them respectively. This intercourse would become certain; and as our nautical means are so much more abundant, and our sea-faring habits so much more native, confirmed, and necessarily economical, and the revenue restrictions on our trade so much lighter than theirs, there can be little doubt but that, admitting the sea to be as free to them as to us, still we could greatly out-trade and undersell them, and maintain the real balance in our favour. If we have succeeded in doing this against English competition, there is little doubt of our success against any other. This too would be a quick direct trade, not a circuitous carrying trade. Notwithstanding our advancement, and the decline of England in commerce, the balance of exchange is vastly in her favour, which, though it prove this balance to be an incorrect thermometer,

proves also how unfairly we must be dealt with by England: for as long as she absolutely forces all remittances into London, and trammels trade with navigation acts; prohibitions, unexpected blockades, and clandestine orders; and other such devices of her government, besides the innumerable unjust seizures, detentions, delays, and condemnations of her cruisers and courts, it is impossible the balance should be other than to her account, though, in a fair state of things, the American trade to Amsterdam alone would be sufficient to turn the balance, not only in our favour as against England, but in favour of the Dutch and others as against England.

Our treaty of amity and commerce with the Dutch, effected in 1782, our treaty of friendship, limits, and navigation, effected with Spain in 1795, our treaty of amity and commerce, effected with Prussia in 1799, and our convention with France in 1801, all place American trade on as favourable a footing, as, during the existence of the British treaty, and without any view to such regulations as I am now endeavouring to show the benefits of, could be expected. Probably commercial treaties with all those powers might be obtained, and with Russia, Austria, the Italian states, the northern powers, and the porte, which would stipulate mutual advantages and concessions. Notwithstanding the concessions from us, contained in the British treaty, and the vast communication in trade between England and the United States, under the partial auspices of that treaty, annually forced since its recognition, causes of complaint have never ceased to appear, and, instead of diminishing with the augmentation of intercourse, they have grown with its growth, till the monstrous mass of their pretensions threatens to destroy the freedom and neutrality of our

commerce. When it is considered that, for several years after the British treaty, France was in a distracted state, with a new administration for every month, and deep in all the confusion incident to a bloody revolution, and that the sanction of that treaty was deemed in France, no matter with what propriety, extremely offensive to their interests, we cannot be surprised at the scenes of 1797, 8, and 9, which involved a species of unsolemnized war between that country and the United States. Since the settlement of the internal disorders of France, and especially since the establishment of the Bonaparte dynasty, we have experienced few commercial embarrassments flowing thence, but such as have emanated in a course of retaliation to the maritime tyranny of England. Even the hostilities of 1798 may be ascribed to the British clandestine orders of November, 1793.

Such having been, and such being the relative state of our commerce, as to England and to other countries, without now adverting to the rights of parties, I shall consider it evident that England and the United States are not only natural commercial competitors, but that as they are the stronger, for offensive purposes, the struggle will always be unfairly maintained, unless we can withdraw the resources we now pour in such plenty into the English market, and narrow our intercourse with her; thereby reducing her power to aggrandize and oppress, and giving freer scope to our inexhaustible means. Restrictions on our trade stand her in the double advantage of employing and enriching her navy, and keeping the seas clear for the speculations of her merchants. So our trade, by being addicted to other markets, would, while it received tenfold profits, at the same time, and by

the same operation, reduce the English navy, by being direct, and less liable to those seizures which have afforded employment and support to that navy.

As it would be lawful and expedient to transfer American commerce from English to other markets, it remains to be shown that this is practicable. This department of the inquiry will be subdivided so as to embrace three distinct views of it. 1. The situation of Europe before 1794, and the possibility that, in an ultimate settling down of the powers, it may resume that or a similar situation. 2. The state of Europe for the last twelve months, since all communication with England has been cut off. 3. Details of the native resources and indigenous productions of England, contrasted with those of all other countries, as calculated for an exchange against the native materials of the United States.

1. All the arguments urged by the majority of the House of Representatives, in the debates which continued for more than a month on Mr. Madison's resolutions, when this interesting topic was thoroughly sifted, apply to this point, with the additional irresistible argument, arising out of the experience we have had since that time. If the reasons urged for their adoption were good then, when they were predicated on hypotheses, their force must be irrefragable now, when they are supported by experience. But as they must be familiar to every body, not even an epitome of them will be attempted here. The experiment may now be said to have been made: not very fairly, but with every partiality for the English, and disposition to encourage an intercourse with them, in preference to all other foreigners. The advocates for the British treaty, and a more intimate union with England, have had their

policy tested by experience, the most infallible of criterions. Our past disadvantages and present embarrassments bespeak the result. The hackney objection raised from the tyranny of Bonaparte, which furnishes to some men a clue to every disaster, and justification for all England can do, has been rode down. It is out of date even in London. The English, it cannot be denied, were the aggressors in 1793, and 1803: in the first instance for the honour of the crown; and in the last, because one ministry made a peace, which another ministry thought discreditable. England played her own game. America was but a looker on. The issue of the combat be on their heads, not ours. Till the British treaty was fixed, though no encouragements were given for one trade in preference to any other, no prohibitions were laid, no inclination was pressed upon the balance. I believe it will be found that, taking the exports from 1789 to 1793, the balance, spontaneously, or at least without the interposition of government one way or the other, was annually losing the preponderance it had for England, when just emancipated from colonial channels, and inclining fast to other nations. There was, to be sure, an excess in favour of England: but the current was setting against her, when the French revolution and the British treaty checked and diverted it. If American commerce had been left undisturbed to the channels it would have found, and there had been no European wars, we should probably have been, instead of the carriers for Holland, France, Spain, Italy, and Denmark, direct traders with those countries to a great extent. Be the international divisions of Europe what they may, the order of nature must remain unchanged and unchangeable. England, if continued in the monopoly of American trade to a much greater

amount than her home demand, would still dispose of two-thirds of what she received from the United States, in traffic with the other nations in Europe, for commodities they must always have on hand, and we must always be better able to barter for them than England: and thus virtually we should be paying those hateful duties, which the late orders in council impose without disguise.

2. Whether the dominions of Europe will ever settle down to the situation in which the French revolution found them, is an inquiry, in which we may speculate on the results we desire, but for the present they are, if not remote, certainly inscrutable. Supposing they will, and that the balance of power should regain its pristine graduation, it is certain that event cannot be effected without wars and commotions. It is a favorite belief with many, that not only the destinies, but the national allotment of Europe, are linked with the fate of the personage, who, since 1796, has completely changed its aspect and relations. But it should not be forgotten, that civil wars serve rather to invigorate than to terminate foreign wars. While France was most convulsed within, she was irresistible without. The conqueror of Italy rose from a riot of the faubourgs; and the demise of Napoleon may not be the signal for the restoration of Louis XVIII, and the re-organization as formerly of the states of Europe.

How stands the account, then, supposing the power of France to endure, as we have seen it aggrandized? If our prosperity and foreign relations can be effected by revolutions in Europe, it is a curious coincidence of events, that the armistice of Tilsit was signed the same day the Chesapeake was surprised. The campaign of which that armistice was the termination, will probably introduce such a system of hostilities hereafter, as will affect mate-

rially the powers of Europe. The balance which for so many years was endeavoured to be maintained, is broken into a thousand pieces. Instead of the deliberate tactics which characterized the Marlboroughs, the Eugenes, the Turennes, and the Fredericks, and other great commanders of former times, who, after a peaceable cantonment during the winter, slowly emerged with the spring to manœuvre for two or three months, and, after one, and that perhaps a partial engagement, returned again to their winter quarters—the genius who has lately directed the operations of the French armies has astonished his enemies with a new system, in which he marches at once into their territories, and under the walls of their capitals, and there gives battle after battle, in summer and in winter, till destruction decides the conflict. If this system be adopted, as no doubt it will whenever it can, by all other nations, the smaller powers will never again play any part on the great theatre. They must confederate, and place themselves under the protection of some one of the great empires between whom Europe will be divided, or they will be annexed as provinces. Such at least is the present state of things; and, in considering our commercial prospects, we must view France irresistible on the continent of Europe, as England is on the seas.

In 1793 and 4, when Mr. Madison's resolutions were discussed, there was some ground for their opponents to make a stand upon. France had not then the ability of annoyance toward England she has displayed since. It could not then have been anticipated, that in a few years all Europe would be at war with the latter. It was then fair to suppose, that though, for ages to come, there would be wars and partial changes, as there had been for ages before, yet the general complexion of things would remain

much the same ; and even though it might not be as profitable to communicate with England as the most favoured nation, it would, at all events, be perfectly safe. France, Spain, Holland, Italy then had ships of their own ; and a direct trade with them exhibited nothing like the advantages it now offers. The question was then of political expediency, and natural advantage ; it is now of natural advantage, and political necessity. The treaty of Tilsit has produced a state of affairs, by which the United States must be affected while it lasts, and, if it lasts long, their European relations must be affected for ever. Through the medium of commerce they are sensible to every change in Europe, though so far, and so fortunately, and, as I shall endeavor to show, so effectually removed from an exposure to similar calamities. A nation like the United States, whose policy is pacific, must to a certain extent follow the fortunes of the great belligerents, upon whose permission, in a measure, its neutrality depends, and by whose proceedings its politics must be very much regulated. When the face of the old world is so altered as to be unknown but on a very modern map, it cannot be expected that the countenance of the new world should remain unchanged. There is nothing very Machiavelian in taking advantage of the circumstances of the moment. The commerce of England having received a fatal blow, or being at best disabled, if it should ever recover, their manufactures, precluded from their ordinary markets, must depreciate as the demand for them decreases. Till the late changes in Spain, which have taken place since this essay was begun, America was the only good customer left to England. Unless Spain succeeds, and allies herself offensively with England, America, by discontinuing her custom to England, and

carrying it to the continent, can nearly stagnate immediately, and certainly destroy at last, the manufactured exports of England. If then the time has come, when we must make our choice, every motive that is not the coinage of our fears impels us to the continent of Europe.

But here it is the terrors of Napoleon's name beset us. It is not my intention to write his panegyric, as probably I should be charged with doing, if I were to venture in print what I think of his character and designs; and thereby incur the imputation, which no one is spared who does not hold him a monster, of being in French pay, and no American. But though the countries under his controul are the native soil of manufactures, whence artisans have found their way into England, and other regions; though every article we need may be had cheaper and better from the continent of Europe than from the British islands; though they are obliged first to import the raw material from the continent of Europe, America, or Asia, and work it up afterwards; though the continent of Europe abounds in native resources, of which England does not possess one, to traffic against our natural productions; though the continent of Europe can consume at least ten times as much of our produce as England can, who purchases only for exportation; though the order of nature invites to an extensive intercourse between the United States and the nations of Europe, and forbids any fair natural traffic between the United States and the British islands; and though, finally, the triumphant arms of France have, to the invitations of nature, and the wants of Europe, added a glorious opportunity of throwing off the yoke of the seas, yet the fears of French arts, French influence, French tyranny and conquest, are allowed more weight than all

these considerations together, and, though men enough are to be met with, who readily subscribe to this statement of the balance, yet their fears alone turn the scale against the continent of Europe.

To these fears the government would be highly culpable to surrender their sense of our true policy. If, notwithstanding them, congress do not interfere to counteract the tendency England will force from our trade, it will be little better than subsidiary to England, and any thing but neutral. But what have we to fear? Why is the friendship of France more dreadful than her enmity? Her friendship cannot injure, and may immensely benefit us; her hostility might distress, but could not subdue us. The late transactions in Spain have shown, that it is one thing to conquer governments, and another to conquer people. If Spain, a contiguous kingdom, half subdued by the arts of her own rulers, before she felt the arms of France, was nevertheless able to defeat them, surely Americans cannot hold themselves and their privileges, their country and their liberties, so low, as to doubt the issue of a similar conflict here, with all the advantages which distance and a scattered population afford us. If the emperor of France is the man, which no idle denunciations have disproved him, that is, a profound and enlightened statesman, alive, to be sure, to the interests and glory of France, or, if you please, to the dictates of his own ambition, he can appreciate too accurately the relative resources of his power and ours not to perceive that our friendship would cost incalculably less, and yield incalculably more, than our subjugation. He is not more disinterested, not less desirous of renown, or lustful of dominion, than other men whom the world

call great. But it is perfectly understood at this day, in every capital of Europe, that the old colonial system was more burthensome than profitable. One independent commercial alliance is acknowledged to be worth a clime of colonies. Our fur trade, much as it may interfere with the English, carries more value into British harbours, than it would have done had we remained till now depressed by a narrow colonial system, confining adventure to few and prescribed paths. So with every other department of commerce. England has derived more emolument from the free and sovereign United States, than she would have received from her American colonies. Is Napoléon ignorant of this? Or would he waste us with wars, when we are to be won, in all our vigour, by treaties? What are the English East India pēt possessions, protected and extended, as they have been, by the arms, sustained by the trade, and informed by the arts of their step-mother country? As deep a drain upon her resources, as an indelible stain on her humanity. The colonial policy and advantages are not misunderstood by the emperor of France. Granting him, therefore, the wish and the power to annex North America to his territories, still the impolicy of such a measure must prevent his attempting it. He has, besides, England to overrun, Turkey to civilize, the Holy Land to reclaim, and the African principalities to tame, before his arms contemplate the western hemisphere.

The freedom with which this personage is treated, not only in conversation, but in our public papers, the deluge of detraction let loose upon his name, and the bitterness of invective with which it is almost always accompanied, have inured us to such a train of reflection con-

cerning him, that he has become the bye-word of terror to children, and the nick-name for every thing ferocious or destructive of its kind. It is hazarding an impeachment of one's common sense to recommend any sort of intercourse with him. This, too, is all humbly copied from England. If, as Mr. Wilberforce said, in one of his late parliamentary speeches, making these charges proved them, and tended to any reasonable purpose, there might be some excuse for their universality, and that kind of competition, which seems to prevail among our newspapers as to who shall hit hardest. But as they can serve no other purpose than to defeat their own aim, and as, though the press is free to all, so are courts of justice, it would be well for some politicians to recollect the fate of poor Peltier, and the degrading situation in which similar conduct placed their English prototypes during the peace of 1802: when English judges and juries had the mortifying duty assigned them of condemning and sentencing to punishment a foreigner, for libels published in London against the first consul of France. Mr. Percival, then attorney-general, now chancellor of the exchequer, said, in the course of that trial, it mattered not whether Bonaparte was the descendant of a long line of illustrious ancestry; or the upstart of a revolutionary day; the first magistrate of a great people should be treated with respect, and is at least entitled to decorum. Resigning, however, the monarch of France to the opprobrium of the accusations lavished upon him, and allowing that he is as wicked as the devil, and almost as powerful, and that the administration ought to be impressed with these truths, still it will scarcely be contended that they should indulge their fears and suspicions so far with

the mastery of their discretion and duty, as to refuse a close connection with the country he governs, least he should take advantage of it to our ruin. Statesmen must deal with the crafty and terrible, as well as with the honest and weak: and if all other circumstances attending the present conjuncture invite to commercial treaties with the nations of Europe, and countervailing duties against England, it would be most unmanly and pitiful to decline the opportunity, for fear the head of those nations should do us some harm.

3. It will be said, that it is absurd to attempt to show how we can be furnished with articles of trade and manufactures from the continent of Europe, when it is notorious that continent depends on England for a large proportion of the finer manufactures its inhabitants use. Their relative situation, it is unquestionable, has not been more altered, in any one respect, than in this, by the occurrences of the last twelve years. When the French revolution broke out, many manufacturing towns flourished in Flanders, France, Holland, and Germany, and even Spain. Some were ravaged and dilapidated by the revolution immediately, and all have been more or less depopulated and impoverished by the long, bloody, and exterminating wars that followed it. Not only have the hands been drafted into the respective armies, and destroyed in great numbers, but the very buildings, in which the manufactures were produced, have been, in many instances, literally pulled down, burned, or otherwise razed and destroyed. Civil commotions and sieges, and revolutionary brute fury, have removed the looms and forges, as conscriptions, hospitals, and death, have the artizans. But this is not the natural state of things. A courtier, of 1789, could not appear without Lyons' silks and velvets, and Brussels' lace. The gentry of England were as nice then in their

imitations of French dress, as the French now are of the English. It appears, at present, to be a great object with the French government, and one very difficult of attainment, to prohibit the importation of British manufactures into the continent of Europe. If we are to believe the English accounts, the utmost efforts and most rigorous restrictions prove ineffectual to prevent the gratification of the incessant and urgent demand for them, experienced by the nations under the control of France: and if there was any reason for doubting their statements, which might be supposed to be interested and exaggerated, the treaty of Tilsit, which sacrificed so much conquest solely for this object, and the repeated denunciations of such as should indulge these desires, contrary to law, and the examples made of some who had, testify, beyond dispute, that it is a desideratum of the greatest magnitude, and most difficult attainment. But, in 1790, nothing would have been more cheerfully submitted to than such prohibitions. At that time, if an English travelling gentleman had been informed, on his return from the grand tour, that he could not disembark at Dover, with French shirts, coats, hats, swords, and servants in French dresses, it would have been accounted as great a hardship, as a prohibition of similar luxuries, of English fabric, may now be considered on the continent. This trade does not deal in any thing but luxuries. The armies of the continent are clothed, and their arms and accoutrements provided, from the factories of the continent. The furniture and utensils of their houses and farms, their tools and instruments for manufacturing, all their necessities, all their conveniencies, are of their own growth and creation. The means of living being so much more abundant and cheaper, and wages so much lower in France, Holland, and Italy, than in England, manufactures were better and cheaper

to be had, in either of those countries, than in England. The ruin of many of their factories by the late wars, and the depression of all others, by the forced and invincible stagnation of their export trade, reduced the number of their manufactures of the finer sort, to a degree below domestic demand, in which situation they will always be dear and commonly declining. To the disadvantages of a continental war, unexampled in devastation, the total destruction or blockade of the marine, military and commercial, of France, Holland, and Italy gave the finishing stroke. Every species of natural production, aided by a superior capacity for the mechanic arts, must prove unavailing against an absolute and long-continued inhibition of export trade. Nor had the Americans permission to carry off the superfluities of Europe. England stopped and searched, and, under some pretext or another, sent in and condemned every ship laden with obnoxious articles, no matter whether contraband or not. The manufactures of England increased in extent and excellence, in proportion to all the double stimulus which was applied by the annihilation of the export trade of the continent, and the vastly augmented and growing demand of this country. If Americans carried to Europe, as is alleged in England, all the British manufactures required on the continent, so much the worse for the continental factories, for even the diminished supply they afforded would thus be encountered, and finally undersold by the goods obtained in this way. On the return voyages the continent was a dead loser, and England a great gainer: all remittances were made, not in return cargoes from the continent to America, or in bills from the continent to America; but in bills on London. So that England had, 1. American materials at a low rate; 2. what profit she pleased to put on them when wrought into manufactures;

3. an immense monied profit in the balance of exchange on the bills from the continent, by which these goods were paid for. In all these transactions, though America gained something in freights, England was the great gainer, and the continent gained nothing. The articles smuggled into the continent, which, from the maritime means, enterprise, and wants of England, could not have been inconsiderable, must have added much to the depreciation of European manufactures; and these are generally paid for by brandies, smuggled back again into England.

It will not be fair, therefore, to consider what has been since the revolution as evidence of what may be, or ought to be, or will be. It will be proper to consider Europe at peace, with an export trade—a state of things that must return, for it is not possible for England to expel nature with Neptune's fork, though it has three prongs—the natural productions of the various soils, and capacity of the people, and contrast these circumstances with those of England, and from that contrast deduce a conclusion.

Nearly all the raw materials, on which the English factories are employed, and of which we import so large an amount, are not the natural products of England, but, on the contrary, the natural and inexhaustible productions of our own soil, or that of the various other climates to which we have constant access, and by which we can at all times be supplied, when we are deficient. Supposing England not to exist, and that all was ocean where the British islands are now situate, it would be in the power of the United States to be supplied with all they want in the form of manufactures they do not make, and to dispose of all their superfluities, on better terms, and to a greater amount, than we ever have hitherto. France, Spain, Holland, Italy, Turkey, China, Portugal, the West India islands, other than the English, and the French, Spanish,

and Turkish ultra-marine possessions, with Russia, Denmark, and Germany, all of which countries are commercially hostile to England, can furnish all we want, and purchase all we can export. If we can, by means of commercial treaties and countervailing duties, reciprocate trade with these countries respectively, England and her East India possessions may withdraw themselves altogether from American intercourse, without our perceiving any thing but advantages from this change in the commercial machinery of the civilized world. Instead, therefore, of applying, as by the late correspondence made public it appears government did, to England, to whom all our privations, and the world's commotions are owing, with an offer to concede the embargo to the rescinding of her late orders in council, which would be removing but a very little of our embarrassment, if we offer to France and Russia to supply them with flour, cotton, tobacco, rice, coffee, sugar, tea, &c. for such manufactures as the several nations in their alliance can afford, we shall at the same time do justice to ourselves and the powers well disposed to us, procure all the luxuries and commodities we have not at home, and reduce England to a sense of her wrongs.

Mr. Madison's resolutions proposed a duty to be laid on the following articles, manufactured by European nations, having no commercial treaty with the United States, *to wit*, articles of which leather, iron, steel, tin, pewter, copper, brass, cotton, or wool, is the material of chief value; cloths of which hemp or flax is the material of chief value, and manufactures of which silk is the material of chief value. The act of April, 1806, called the non-importation law, instead of increasing the duties, and in that way indirectly prohibiting, directly prohibits articles of leather, silk, hemp, flax, tin, and brass, excepting tin in

sheets, high-priced woollen cloths, woollen hosiery, glass, silver and plated wares, paper, nails, and spikes, hats, ready-made clothing, millinery, playing cards, beer, ale, porter, pictures, and prints. The resolutions are general, introductory of a permanent system. The act is temporary, aimed at Great Britain alone. To the articles specified in the resolutions, the non-importation act adds glass, silver and plated wares, paper, hats, playing cards, beer, ale, porter, and prints; most of which are luxuries. Where the article can be made at home, it is proper to prohibit it, if by that mean an offending foreign power can be annoyed. Glass of the common kind, for windows, and family vessels, is manufactured in the United States. It is to be had of all kinds, plate, window, and blown glass, in France and Holland, better and cheaper than in England. Paper, of every species, for writing, or papering houses, is manufactured in the United States. Why cotton was left out of the non-importation act does not appear in the course of general Smith's (of Maryland) speech in the senate, which is the most extensive exposition we have from congress of the merits of that law. It may be averred that, had the resolutions become a law in 1794, their effect, in the article of cotton alone, would have been all-important on the commerce, and perhaps the neutrality of the United States. Since 1793 the exportation of cotton from this country has increased from about one hundred thousand pounds weight, to sixty millions, a year; which, at an average of twenty-two cents a pound, affords a ratio of increase far exceeding that of any other native production, and scarcely inferior to the increase of the West India carrying trade. This, it cannot be denied, is an unexampled enhancement of capital, for which we are indebted to no war, or European emergency. The fact is the reverse. Europe at peace and the ocean free, and the demand for

cotton would have augmented immensely. By the monopoly of this material, for which she is indebted to her navy clearing the sea of all other competitors, and paralizing the exports of Europe, and her manufactures, England has derived immense advantage; and the United States, by the same monopoly, have been incalculably injured. The multifarious and useful purposes, to which this noble plant is appropriated, are beyond calculation. If the people of Flanders, France, and Holland could manufacture for exportation, they would greatly extend the demand for it. The beautiful apparel, into which it is wrought, needs no better test of superiority to all others, than its having superseded silk, which, before cotton appeared in its present forms, composed the chief part of dress. The British and their East Indians are the most extensive workers of it; and the latter and the Brazils, it is supposed, can furnish it in any quantity. But I consider our cottons as preferable to the Asiatic, if for no other reason, on the ground alone of being so much more convenient to European markets and factories. Mr. Madison's resolutions, by controuling its appropriation, would, in this single article, have enabled us to deprive England of many millions of money annually, and employment for several, perhaps hundred thousand hands. Instead of disposing of our cotton to the English, to be by them wrought up, and sold again to us, or smuggled into the continent of Europe, on their own terms, we should ourselves have carried it, in much greater quantities, direct to the continent. Instead of paying for our cotton goods in money, or bills, as we must to the English, we could have bartered for them the flour, tobacco, coffee, sugar, and other productions in kind of our own or the free West India regions. The fairs of Frankfort, Dresden and Rotterdam would have displayed, not a few pieces of British contra-

band merchandize, but a profusion of the finest specimens of their own workshops, all wrought of American cottons.

The artful persistance of England, from 1794 down to this time, in designs to monopolize the cotton of the United States, are a large and striking type of their general system to re-colonize us. It cannot be forgotten that the twelfth article of the British treaty contained a clause, stipulating 'that the United States will prohibit and restrain the carrying any molasses, sugar, coffee, cocoa, or **COTTON**, in American vessels, either from his majesty's islands, or from the United States, to any part of the world except the United States:' which article was rejected by the senate. For the satisfaction of every man who thinks and feels as an American, and wishes to see this subject in a light as clear as the effulgence of the sun at noon-day, I quote the following observations from the National Intelligencer, which are conceived and expressed with a perspicuity far beyond my power to imitate.

Nothing has so fully roused the people of this country as the shameful attempt of the British ministry to exact tribute from us. It has awakened all the revolutionary feelings which had such an astonishing effect at that time, and but for which we should have still remained in a colonial state. Shameful, however, as this attempt is, the disposition of the federalists to palliate, and their hardihood in some instances even to deny it, is still more shameful. Its existence, together with many of the aggravating circumstances attending it, have been already exposed. But the magnitude of the outrage, and various important features of it, have scarcely been noticed. The object of this view will be to exhibit a specimen of this tribute, so far as it relates to the important article of **COTTON**, which will, if we are not totally mistaken in our estimate of the American character, excite feelings of the liveliest indignation and abhorrence, feelings

which, but for the embargo, would have long since hurried us into resistance and war.

By the orders of council and acts of the British parliament passed during the late spring and summer,

1. Every American vessel carrying cotton, must take it to England. If she attempts to take it elsewhere, she will be forcibly carried into England.

2. All such cotton thus taken into England is chargeable with a heavy import duty, which in case of its consumption in England must be paid.

3. Every pound of cotton exported from England is charged with a duty of nine pence sterling, or about seventeen cents.

4. All cotton, not for English consumption, may be warehoused, chargeable with the above duty on its exportation.

5. All such cotton must within fifteen months be exported, or taken out of the warehouse for home consumption, on the payment of duties; and in case it is not so taken out, it shall be publicly exposed to sale by the commissioners of the customs, and after such sale the produce thereof shall first be applied towards the payment of the freight, primage, and charges of warehouse room, and other charges that shall arise thereon, next to the duties of customs and excise, and the overplus (if any) shall be paid to the proprietor or other persons authorized to receive the same.

6. Upon the request of the owner, the cotton so imported may be destroyed, without payment of duty, and upon payment only of any charges and expences due thereon.

7. Goods, wares, or merchandize, of the growth, produce, or manufacture of any British colony in Africa or America, imported directly therefrom, are exempted from export duty, as are likewise goods imported by the East India company.

8. No export duty is charged on goods exported to the Isle of Man by virtue of a special license.

9. It shall be lawful "for his majesty, at any time, by order in council, to suspend the operation of this act [containing the above provisions], as to any duties, or any proportion or part of any duties granted by this act, in respect of any country for the time being in amity with his majesty, and to allow the exportation to any such country so in amity with his majesty as aforesaid of any goods, wares, or merchandize, made subject by this act to any duties on exportation,

without the payment of such duties, upon such terms and conditions, and subject to such restrictions, as to his majesty may seem fit."

10. By an act of the 14th April last, the exportation of cotton wool is absolutely prohibited, except licensed by the king in special cases, "under such regulations, restrictions, and securities, as may be specified in the said license." For cotton exported in violation of this act, the vessel and cargo shall be forfeited, together with forty shillings sterling penalty for every pound so exported.

Such are the legal provisions applicable *partially* to various commodities, and *totally* to cotton. As our present object is solely to elucidate the restrictions to which this article is exposed, we have omitted the enumeration of the other articles, as well as the numerous provisions to which they are exposed.

As all the cotton exported by the United States is for Europe, to nearly the whole of which the British orders are applicable, and as it is scarcely possible for an American vessel to escape capture by a British cruiser, it will follow that nearly the whole of the article of cotton exported would find its way into England. The quantity of this article exported last year was *sixty-four millions* of pounds.

Suppose, then, this quantity carried into England; and that one-fourth part of it were wanted by her for her own consumption. There being, consequently, four times as much in the market as she wanted, the remaining three-fourths would become the proper subject for exportation. Allow it to be exported, and it would pay a duty into the British exchequer amounting to *eight millions, one hundred and sixty thousand dollars*; and, when exported, the duty paid upon it, with the freight, warehouse, and other charges, added to its first cost, would bring it up to at least fifty cents a pound, a price which either could not be had on the continent, or which would greatly diminish the consumption.

But this view of the subject is merely nominal, as every such exportation would make not only the goods, but the vessel carrying legal prize. The idea, therefore, of exporting it to the continent is altogether chimerical.

This immense quantity of cotton, therefore, being accumulated in England, a glut of the market would be the unavoidable consequence, and the small quantity demanded for their consumption would be sold at a ruinous price.

And what would become of the residue? Its exportation, as we have seen, being effectually inhibited, at the expiration of fifteen months, it would be in the option of the owner, to avoid the payment of the duty, to cause it to be destroyed, or to have it exposed to public sale, where the immensity of the quantity offered for sale would reduce its value almost to a cypher.

Do the annals of civilized or savage nations furnish such a tissue of outrages offered to an independent nation, which on the one hand impose an enormous tribute, and on the other *mercifully* allow the owner of the goods, to avoid this unheard-of oppression, to destroy them?

But, in the enormity of this outrage, let us not overlook other features, not less insulting to every sentiment of honour, or repugnant to every principle of justice.

The king may grant special licenses; that is, he may bribe and corrupt the American merchant at pleasure, according to his standing with the British ministry, according to his fidelity to the British cause, according to the zeal with which he has aided the enemy of his country, and his treachery to his own country.

To this concise and lucid exposition of the motives and the conduct of England, with regard to our cotton trade, I subjoin the following letters from Messrs. Pinkney and Canning.

Mr. Pinkney to Mr. Madison.

London, Feb. 23, 1808.

Mr. Canning has just sent me a note, of which a copy is enclosed, relative to an intended alteration, upon the subject of cotton, in their bill for carrying into execution the late orders in council. You will perceive that he lays some stress upon the accidental observations, which (as already explained to you in my letter of the 26th of last month) were drawn from me some time since upon the singularly offensive project of imposing a transit duty upon our cotton. I mentioned to you, in my letter of the 2d inst. that he appeared to have misapprehended the tendency of these observations, and that in a subsequent conversation he showed a disposition to remove the obnoxious feature from their plan, for the purpose of substituting an

absolute interdict of the export of that article, under an idea that we should then cease to object to it; but that I thought it my duty to decline to give him any encouragement to do so, although I agreed, as he seemed to wish it, to mention his disposition to you. A few days ago, he sent for me again, and renewed his proposal of an immediate change with respect to cotton, from a prohibitory duty to a direct prohibition. My answer was the same in substance as it had been before. He then suggested the alternative arrangement, which you will see stated in his note; but, adhering to the determination I had formed upon the first appearance of the orders in council, to make no compromise (without precise direction from my government) with the system which they announce, by becoming a party to its details, I received the proposal as I had done the other.

The British government, however, had resolved to adopt the last mentioned plan, whether it received my concurrence or not, upon a presumption that it would be more acceptable to us; and perhaps, too, under the idea that it was more defensible than their original scheme; and the purpose of Mr. Canning's note is merely to signify to me, in a manner as friendly and respectful as possible to the United States, their intention to propose it to parliament. One object of all this is, certainly, to conciliate us, although it may be another to free their system, as far as they can, from the disadvantage of one of the formidable reproaches which their opponents cast upon it. But the wise and magnanimous course would be, at once to tread back their steps upon the whole of this ill-judged measure, instead of relying upon small and unsubstantial modifications, which neither produce an effect upon its character and principle, nor mitigate the severity of its practical consequences. I might, if I thought it advisable, take the occasion, which Mr. Canning's note undoubtedly furnishes, to press upon him once more the policy, as well as the justice of such a course, but I believe it, under all circumstances, to be more prudent to wait for your instruction, which must, I think, be very soon received.

I have already had the honour to send you two copies of the resolutions, moved in the house of commons, by the chancellor of the exchequer, as tables of export duties, to which their bill should refer. I have enclosed in another letter, with which this will be accompanied, a copy of the bill itself, which will, however, undergo several altera-

tions. These will be found to be explained (as far as I am acquainted with them) in the letter above mentioned.

I have the honour to be, &c.

(Signed)

Honourable James Madison, secretary of state.

W.M. PINKNEY.

Mr. Canning to Mr. Pinkney.

SIR,

Foreign Office, Feb. 22, 1808.

I have already had the honour of assuring you, in conversation, of the disposition which is felt by the British government to give due weight to the observations which you have made to me respecting the unfavourable impression, likely, in your opinion, to be excited in the United States, by the duty proposed to be levied upon cotton destined for the use of the enemy, but brought into the ports of this country conformably to the tenor of the orders of council of the 11th of November.

You are already apprized that the principle upon which the whole of this measure has been framed, is that of refusing to the enemy those advantages of commerce which he has forbidden to this country.

The simple method of enforcing this system of retaliation would have been to follow the example of the enemy, by prohibiting altogether all commercial intercourse between him and other states.

It was from considerations of indulgence to neutral trade, that the more mitigated measure of permitting intercourse, under the restraints and regulations of a duty in transitu was adopted; and, being adopted with this view, it was not immediately felt by the British government, that there might be a distinction taken by neutral states, with respect to articles the produce of their own soil; and that, while the commutation of prohibition into duty was acknowledged as an indulgence, when applied to articles of foreign commerce, of which they were only the carriers, it might be considered as an invidious imposition, when applied to their own productions.

The moment that this distinction has been explained to the British government, they have been desirous of manifesting every attention to it; and if you, sir, had been possessed of the necessary authority from your government, there would have been no difficulty in entering into a specific agreement with you upon the subject. In order, however, to obviate the objection, in a great degree, I have the honour

to inform you, that it is intended to be proposed to parliament, that all cotton, brought into this country, in conformity to the orders of council, should be absolutely prohibited from being exported to the territories of the enemy. But as you are not prepared to take upon yourself to say, that in no case the option would be acceptable, an option will still be left to the neutral owner, either to acquiesce in the total prohibition, or to re-export the article on the payment of such a duty as parliament may judge it expedient to impose.

I flatter myself, sir, that this alteration in the legislative regulations by which the orders of council are intended to be carried into execution, will be considered by you as a satisfactory evidence of the disposition of his majesty's government to consult the feelings, as well as the interests of the United States, in any manner which may not impair the effect of that measure of commercial restriction, to which the necessity of repelling the injustice of his enemies has obliged his majesty reluctantly to have recourse.

I have the honour to be, &c.

(Signed)

GEORGE CANNING.

William Pinkney, Esq. &c. &c. &c.

Mr. Pinkney to Mr. Canning.

Great Cumberland Place, Feb. 23, 1808.

Mr. Pinkney presents his compliments to his excellency Mr. Canning, and has the honour to acknowledge the receipt of his note of yesterday, relative to an alteration on the subject of cotton, in the legislative regulations by which the late orders in council are intended to be carried into execution, which Mr. Pinkney will hasten to transmit to his government.

Mr. Pinkney requests Mr. Canning to accept the assurances of his high consideration.

No language can exasperate these prohibitions, or the insolence of the terms in which they are discussed by Mr. Canning.

It is to this monopoly the whole fifteen millions of balance against the United States are to be placed. This mystery is thus unravelled, and that perplexing paradox in our political economy, which arises

from the circumstances of the balance being so large against us, and our notwithstanding prodigious increase, is, in this way, easily explained. Of the fifteen millions of American domestic produce exported to Great Britain, six millions arise from cotton; which is rather more than one-third of the whole exportation to England, and nearly all the cotton exported from the United States. These six millions, arising from the cotton, make the difference between the export from the United States to Great Britain, in 1793, when it was nine millions, and the export now, when it is fifteen millions. There has, therefore, been no increase of native exports, except that in cotton. Of the twenty-two millions, which the exports of domestic produce and manufacture have increased since 1793, sixteen millions force their way elsewhere than to England, in spite of English monopolies. If the cotton went to the continent of Europe, the whole increase on export trade would be derived elsewhere than from England: and if our cotton did go to the continent of Europe, these would be some of the consequences: 1, Vastly more would be wanted; 2, It would be worked up cheaper; 3, We could pay for it, when worked up, in coffee, flour, tobacco, tea, &c; and 4, The balance of trade, instead of being, as it is, fifteen millions against us, would be greatly in our favour. Some idea of the profits put by the British on manufactured cottons, may be formed from this fact: We send six millions of dollars to England, in cotton. It costs us twenty-two cents a pound. The United States alone take from England cotton goods to the value of ten millions of pounds sterling. It averages, raw, in England, two shillings sterling a pound.

Without numerical calculation, the vastness of their profit is at once perceptible. The retaliation set forth as the only ground of the November orders yields, it appears, to the British desire for customs. On payment of nine pence sterling a pound, cotton could be exported from England to France. This, to be sure, is a new species of retaliation.

While the exports of cotton have thus multiplied, the great agricultural staples of North America have been stationary or declining in their exportation since the recognition of the British treaty. Since that time, the exports of flour have varied a little at different periods, but, upon the whole, have not increased, and rice and tobacco have both fallen in their exports. How is this to be accounted for? Can it be ascribed to any thing but the monopoly of England? As her factories were extended, our cotton experienced a great, regular, and rapid rise, in quantity, quality, and price. But though England has herself been visited by more than one famine since the period referred to, many of the West India islands repeatedly afflicted with the most pinching necessities, and the continent of Europe often in want, American flour and rice have not been taken to a greater amount than they were when Europe was at peace, with all the means the countries then enjoyed of cultivating their own lands, and supplying without molestation their own colonies. Does not this comparative situation of things prove unfair and monstrous restraint upon our ability to afford, and a corresponding, co-extensive, but most distressing restriction upon their desire to receive and ability of consumption? Is it possible that France, Spain, Italy, Germany, Holland, and Flanders, with so

large a proportion of their hands drawn from the plough to the army, should have enjoyed their usual abundance of subsistence? The United States had not liberty to carry flour to Europe, for an order in council for blockading by notification a whole line of coast would intercept their destination and ruin their ventures. Communication with the continent was rendered so precarious by successive regulations, that the merchant found his only safe navigation was direct to England, where his produce was sold at a glutted market, and deposited in English warehouses, to be afterwards transported, in such quantities, and at such estimations, as the English merchant thought proper to allow, to the very ports and places he would originally have sailed for, but for British obstructions. When Dr. Smith wrote his celebrated book on the Wealth of Nations, England had the monopoly of American tobacco. He says she took 96,000 hogsheads a year: of this she wanted but 14,000 for herself, and the remaining 82,000 hogsheads were re-exported to the continent. By the interruption of her intercourse with the continent, the English demand for American tobacco fell, more than from the interference of Cuba and other Spanish tobacco. The United States permit themselves to be the humble servants of England in the distribution of this important staple.

Beer, ale, and porter are prohibited by the non-importation act. There is no particular in which British monopoly is more glaring, than in what are called articles incidentally imported from Great Britain. These amount to the enormous sum of eight millions.

Brandy and geneva	2,700,000
Wines	2,900,000
Teas	2,300,000

The greater part of this sum is literally paid to Great Britain, in preference to incurring all the risks her navies oppose to importing those articles direct from the places of their production. The brandies are smuggled from France, the geneva from Holland; the wines carried from Madeira, Portugal, France, Spain, and Italy, and the teas from Canton. All the difference between the prime cost of these articles, and their inordinate enhancement in England, is paid by the United States, for the greater security of getting them from England, and is therefore nothing less than so much duty from the United States. In Madeira wine, this may be made peculiarly palpable. Before the revolution, the mother country permitted these colonies to trade with no part of Europe northward of Cape Finisterre, which is an extreme southern boundary. The island of Madeira, though attached to European dominion, being excluded by this colonial regulation, America sought the opportunity thus presented of communicating directly with a region distinct from the mother country: the consequence was the introduction of Madeira wine, and that prevailing taste for it which distinguishes the inhabitants of the United States. Though this trade was open before the revolution, and has always been nominally open since, that is, as open as the universal restrictions of England will allow, and though Madeira wine is not drank as a prevailing beverage in England, yet is a large proportion of what we receive actually purchased in London, and imported thence, with all the impositions of a double trade, double duties, and ignorant

adulterations, down to the very nomenclature of the London market; most of the wine we consume being not only imported from England, but sold and known by the appellations of London particular, and London market wine.

Pictures and prints are among the articles prohibited by the non-importation act. If England is enriched, to however trifling an amount, by the exportation of pictures and prints to this country, it is proper, as a measure of distress, which was the object of that law, to deprive her of such gain. But in this department of intercourse, not only interests of state, but the interests of individuals, nay, the interests of science itself, require that the prohibition should be much more extensive and permanent. The vast quantity of useless English books, imported into the United States of late years, and the enormous prices at which they are sold, should be matter of regret to every friend of American literature. There is a class of cognoscenti among us, whose delight it is to decry what are stigmatized as Columbian effusions, and to extol every spawn, no matter how poor and contemptible, from the presses of England. At the head of this sect is a gentleman, whose elegant acquirements, amiable disposition, and masterly pen, are alike misplaced in the occupation to which he too often stoops, of attempting to ridicule the dialect and customs of his country. If they were as coarse and peculiar as the perusal of English magazines, and the tattle of English itineraries may have persuaded him they are, he should at least chuse gentler methods of correction. The rod is an instrument little used in this free country; and if the English were as worthy of imitation in their literary walks as Mr. Dennis imagines them, we are not to be lashed into their idioms and orthography.

The deluge of trash with which we are inundated from the London presses has long wanted damming. Independent of the many really excellent publications we receive from that scientific country, the essays, pamphlets, farces, magazines, reviews, chronicles, and other such idle ephemeral efforts, with which our libraries and book-stores are over-run, are without end as without value. Whenever a valuable work is published in England, nothing can be easier than for our booksellers to purchase, by an agent there, half a dozen copies, and from them print, publish, and sell, at American prices, with American paper, types, and workmen. The English editions are excessively expensive; and, in many branches of science, as for example the law, at least two-thirds of the English edition is occupied with cases or commentaries that are of no use here. But their lighter productions, while they taint every mind here more or less with English prejudices and ways of thinking, and too often labour to create a distaste or contempt for whatever is American, are objectionable on this further account, that they interfere with and forestall productions of the same sort here, not so much because theirs are better, but because, being already beset with swarms of these vermin of literature from abroad, the same species here are discouraged from making their appearance. As the literary atmosphere must have its insects, like the natural, let us at least be worried or amused (as it may be) with our own, and not those imported from the other side of the Atlantic. A prohibition of these, together with English newspapers, by heavy duties, would tend in no small degree to correct that inclination into which we have fallen, for preferring what is English to our own.

Another and most serious effect of the overpowering extension of English books here, is to prevent any attention to those of France, Germany, and Italy. Whether science and the arts be foremost in England or France, is no great matter to us. But, notwithstanding the Bloody Buoy, Cabinet of St. Cloud, Female Revolutionary Plutarch, and other such chaste narratives, we may be assured that they hold most substantial and elevated ground in France, and in Germany, and that we might draw on their funds to any amount. The unity of our language will always maintain a decided preference for the English, whose writings we can all read and understand. But it will be unfortunate for us, if this preference grows to a prejudice against, or exclusion of books from France, Germany, and Italy. The valuable and beautiful works, of which the presses of those countries are annually delivered, should be adopted in the United States, as well as those from England. Otherwise our information will be limited and lopsided. There are no politics in literature. Our antipathies to France and Bonaparte need not make us fear French contagion in the numerous works in every branch of science, which his munificent patronage has produced from the fertile soil of their genius and erudition. So much in a scientific point of view. In a commercial, the advantages of less intercourse with England, and more with France, in the book trade, are very striking. All the classics of the dead, and most of the living languages, without excepting even the English, are printed at the stereotype press of Paris, with exemplary correctness, 500 per cent cheaper than we get the same books from England. A volume, which, in England, costs half a guinea, or about two dollars and a half our money, may be purchased in France, or Germany, or

Holland for two or three livres, or about half a dollar our money: so in proportion the difference in their prices is generally as great. School-books, standard works, which are read from generation to generation, all the substratum and substance of learning can be there procured at the most moderate estimation. While the exorbitant prices we are obliged to pay for the elegant English editions, are a tax on the community, on literature, and the trade.

The great fears of the community, and the great efforts of the non-importation act, have been directed toward those articles of clothing for which we are determined to be dependent on England, though there are two reasons, either of which should satisfy all doubts on this subject. In the first place, we can get all we cannot make from other countries than England; and, in the next place, if we could neither make these articles at home, nor procure them abroad elsewhere than from England, not a moment's hesitation should be suffered as to the propriety of relinquishing them altogether, because they are mere luxuries.

There are now in the dominions of France, under the immediate auspices of the emperor, the following manufactories in flourishing operation, besides innumerable others of minor importance, to wit: of muslins, at Courtray and Gand; of silks, at Genoa, Lyons, and Tours; of wool, at Elboeuf, Sedan, Louviers, and Verviers; of cotton, at Tarare, Rouen, Alencon, Paris, and Troies. These at all times can and will supply Americans with better and cheaper articles of their respective fabrics than can be got in England.

In articles of which leather is the material of chief value, we are not only independent, but exporters of worked leathers in the shapes of shoes, boots, bridles, saddles, and

harness, to a considerable amount. In 1805, were exported from the United States, 10,000 pairs of boots, 100,000 pairs of shoes, and 23,000 saddles. In 1791, only 500 pairs of boots, 7000 pairs of shoes, and 3000 saddles. These articles are now as well made in Philadelphia, Baltimore, and other towns in America, as in London; and much better than those we sometimes receive from the provincial towns of England.

In 1791, two thousand dollars in hats were exported from the United States; in 1805, one hundred thousand dollars worth. Ours are cheaper, as durable, as sightly, and as comfortable as the best London-made hats, though, in large cities, it may sometimes be matter of complaint, that they have not the last stamp of London fashion. The commoner sort, made entirely of wool, there is no difficulty attending; and while our peltries are so abundant and so fine, and the noble animal, of whose hair the finer sort is made, the native of American forests, and the manufacture a simple process, it would be an impeachment of our ordinary dexterity, if, instead of squandering on foreigners the expences of freight, insurance, commissions, and exorbitant profits, we should not only furnish our own market with the most excellent, but furnish, besides, large exportations of hats.

Of linens we can make but few, and those coarse. But, while the German Ocean remains open, we may procure from Holland, Flanders, and Germany every species, from the finest to the coarsest. It is remarkable that no foreigners, except the Americans, use English or Irish linens. All others prefer the German, which are much better. Flax is the growth of every zone; and we can at any moment withdraw our linen trade from Great Britain.

Silk is a mere luxury, and to be had at the free port of Canton, in China.

There is no branch of our intercourse with England, in which we have fallen into so servile a dependence upon her, as that of superfine cloths; especially in cities, where a fastidious refinement in dress is indulged. The cloths of England are annually used to a very great value in the United States; and, notwithstanding the embargo, it is said, vast quantities have this year been smuggled through our Canadian frontier. The cloths of France, though so much preferable on every account, are seldom to be met with. French cloths now cost more than English. Whether they did or not, before the annihilation of their exports, I am not able to say. But they are finer, softer, stronger, and handsomer than the English, and more than reimburse their greater price, in their greater durability. There is probably more good wool in them than in the English. Since the introduction and encouragement of the Merino sheep, that animal so wonderfully superior, in all respects, to other species of sheep, by Col. Humphries, chancellor Livingston, Mr. Custis, and other gentlemen, who are truly benefactors to their country, specimens of superfine cloth, manufactured here, have been furnished, that are said to be equal to any imported. We know the English require a certain admixture of Spanish wool, with their own, for the fabric of fine cloth. The junta have this summer presented the king of England with 2000 Merinos: a donation, which, in ultimate value, may more than remunerate all the services his arms and treasures have or can render the Spaniards in their present difficulties. If fine cloth is a luxury, great national sacrifices are not to be made to procure it: if it is essential

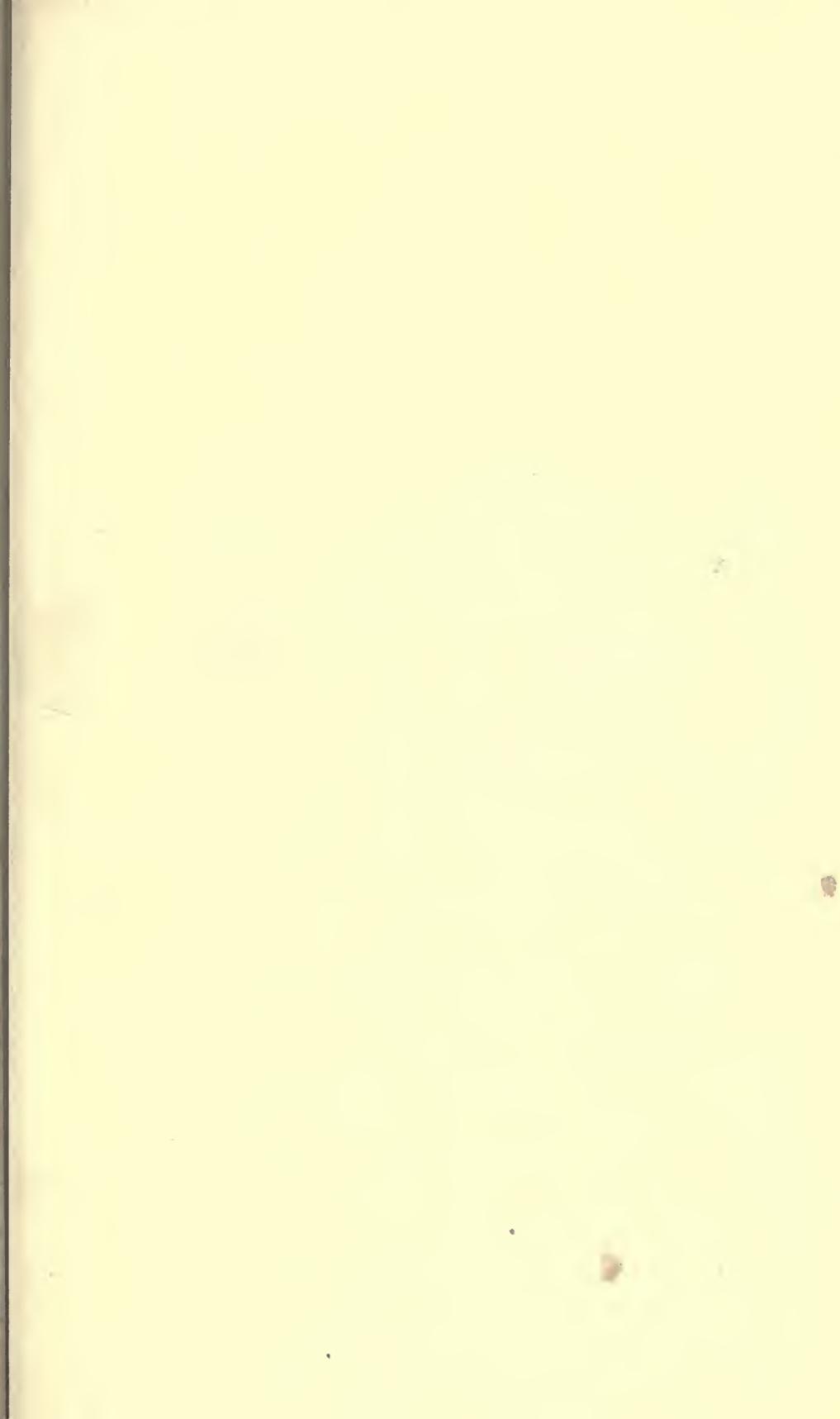
to positive comfort, we can find it elsewhere better than in England.

The argument, then, seems diminished to hardwares and hosiery. The former can be had in Germany and France. The latter we ought to, can, and do manufacture at home.

In all that pertains to the elegances of life, which we are rich enough and ambitious of obtaining from Europe, France has no rival. In the furniture of houses, and the arts of architecture, painting, and sculpture, the French are at least one century before the English. As France is an older nation, in the annals of civilization, than England, it is natural the former should take the lead of the latter, at least in the arts, if not in the sciences of civilization. London was a heap of hovels when Julian the apostate was the Roman prefect resident in Paris. Since 1796, France has used her conquests, to such account, that the advantages of taste and refinement which she had over all other countries, except Italy, have been infinitely increased. She has gained upon England at least one century in the course of ten years.

But if France displays the refinements of social intercourse and the arts, England lays claim to that prodigious consideration which comfort assumes in an Englishman's existence. I am not disposed to quarrel with their imaginary superiority in this respect. But it is not comfort we want to import. I trust Americans have vastly more of it than any other people.

Another objection to our favouring France is extorted from the position, which England never ceases, in all her late public acts, to declare, with tiresome iteration, that she is maintaining the war against universal dominion; that she is fighting the battles of all the world, and parti-



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Author Ingersoll, Charles Jared

Title A view of the rights and wrongs, power and
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